

By Mr. THURSTON: A bill (H. R. 6433) granting an increase of pension to Mary E. Rogers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6434) granting an increase of pension to Lucinda Martin; to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 6435) granting an increase of pension to Minnie W. Hurlburt; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 6436) for the relief of Mary E. O'Connor; to the Committee on Claims.

By Mr. WATSON: A bill (H. R. 6437) granting an increase of pension to Mary A. Lewis; to the Committee on Invalid Pensions.

By Mr. WHITE of Kansas: A bill (H. R. 6438) for the relief of David Parrett; to the Committee on Military Affairs.

By Mr. WHITE of Maine: A bill (H. R. 6439) granting a pension to Emily F. Grotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6440) for the relief of Alfred W. Mathews, former ensign, United States Naval Reserve Force; to the Committee on Naval Affairs.

Also, a bill (H. R. 6441) to correct the naval record of Silas Henry Stahl, alias Silas Monroe; to the Committee on Naval Affairs.

By Mr. WINTER: A bill (H. R. 6442) for the relief of Ralph H. Lasher, whose name appears in the Army records as Ralph C. Lasher; to the Committee on Military Affairs.

Also, a bill (H. R. 6443) for the relief of Pattie M. Eakins; to the Committee on Claims.

Also, a bill (H. R. 6444) granting an increase of pension to Catharine Flori; to the Committee on Invalid Pensions.

By Mr. WOOD: A bill (H. R. 6445) granting a pension to Robert L. Boaz; to the Committee on Invalid Pensions.

By Mr. WOODRUFF: A bill (H. R. 6446) for the relief of Lucius Bell; to the Committee on Military Affairs.

By Mr. WYANT: A bill (H. R. 6447) granting an increase of pension to Amanda Albright; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6448) granting an increase of pension to John Baker; to the Committee on Pensions.

Also, a bill (H. R. 6449) granting an increase of pension to Rebecca J. Bitner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6450) granting an increase of pension to Elizabeth Borlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6451) granting a pension to Harvey Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6452) granting an increase of pension to Mary Clem; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6453) granting a pension to Carrie M. Cramer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6454) granting a pension to Ella Nora Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6455) granting an increase of pension to Lydia Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6456) granting an increase of pension to Ellen Shannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6457) granting an increase of pension to Josephine Wallace; to the Committee on Pensions.

Also, a bill (H. R. 6458) granting an increase of pension to Sarah Writenour; to the Committee on Invalid Pensions.

By Mr. ABERNETHY: A bill (H. R. 6459) granting a pension to Ada Daniels Simpson; to the Committee on Pensions.

By Mr. GRIEST: Resolution (H. Res. 45) to pay Regina Reidesel, widow of Frederick C. Reidesel, late clerk to the Committee on the Post Office and Post Roads, a sum equal to six months' salary and \$250 for funeral expenses; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

64. Petition of the Citizens Party, 1427 Walnut Street, Philadelphia, Pa., protesting against the seating of JAMES M. BECK as a Representative of the first congressional district of Pennsylvania; to the Committee on Elections No. 2.

65. By Mr. BOYLAN: Petition from the sugar samplers on duty at the port of New York, asking an increase in salary to put them on equal terms with privately employed samplers; to the Committee on Interstate and Foreign Commerce.

66. By Mr. BURTON: Resolution adopted by the board of trustees of the Cleveland Graphic Arts Club, Cleveland, Ohio, urging a substantial reduction in the existing corporate Federal income tax rates at the earliest practicable time, and certain

changes in the existing legislation; to the Committee on Ways and Means.

67. Also, petition of citizens of Burton, Ohio, and Auburn Township, Ohio, urging increased pensions for widows of Civil War veterans; to the Committee on Invalid Pensions.

68. Also, resolution adopted by the board of trustees of the Cleveland Graphic Arts Club, Cleveland, Ohio, urging a substantial reduction in the existing corporate Federal income-tax rates at the earliest practicable date and urging certain changes in administrative provisions of the corporation tax laws; to the Committee on Ways and Means.

69. By Mr. CELLER: Petition of the American Legion, 305 Hall of Records, New York City; to the Committee on Military Affairs.

70. Also, petition of America Legion, 305 Hall of Records, New York City; to the Committee on Flood Control.

71. Also, petition of Post Office Department Post, No. 930, Veterans of Foreign Wars of the United States, Brooklyn, N. Y.; to the Committee on the Civil Service.

72. By Mr. ROY G. FITZGERALD: Resolution unanimously adopted by the Ohio State Senate, that the Eighty-seventh General Assembly of the State of Ohio request the passage by Congress of legislation similar to the Tyson and Fitzgerald bills introduced in the Sixty-ninth Congress, for the retirement of disabled emergency Army officers of the World War; to the Committee on World War Veterans' Legislation.

73. Also, petition of veterans of the World War in Dayton, Ohio, praying for the passage of a bill by Congress granting pensions to veterans of the World War; to the Committee on World War Veterans' Legislation.

74. By Mr. IRWIN: Petition of residents of Monroe County, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

75. Also, petition of residents of Lebanon, Ill., praying for the enactment of legislation in behalf of Civil War veterans and widows of veterans at the present session of Congress; to the Committee on Invalid Pensions.

76. By Mr. JOHNSON of Texas: Petition of the Southern Implement Supply Co., Dallas, Tex., urging tax reduction; to the Committee on Ways and Means.

77. By Mr. LEAVITT: Resolutions of the Yellowstone Valley (Mont.) Beet Growers Association, favoring an increased tariff on sugar; to the Committee on Ways and Means.

78. By Mr. THURSTON: Petition of citizens of Woodburn, Iowa, and vicinity, opposing legislation for compulsory Sunday observance; to the Committee on the District of Columbia.

SENATE

THURSDAY, December 8, 1927

(Legislative day of Tuesday, December 6, 1927)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.
The legislative clerk (Harvey A. Welsh) called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Trammell
Bruce	Harris	Overman	Tydings
Capper	Harrison	Phipps	Tyson
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Hellin	Ransdell	Warren
Curtis	Howell	Reed, Mo.	Waterman
Dale	Johnson	Reed, Pa.	Watson
Deneen	Jones, Wash.	Robinson, Ark.	Wheeler
Dill	Kendrick	Robinson, Ind.	Willis
Edge	Keyes	Sackett	
Edwards	King	Schall	
Ferris	La Follette	Sheppard	

Mr. BRATTON. My colleague [Mr. JONES of New Mexico] is ill and is detained from the Chamber on that account. This announcement may stand for the day.

The VICE PRESIDENT. Eighty-nine Senators having answered to their names, a quorum is present.

FLOOD CONTROL OF THE MISSISSIPPI RIVER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Commerce, and, with the accompanying papers, ordered to be printed with illustrations:

To the Congress of the United States:

There is submitted herewith a letter from the Hon. Dwight F. Davis, Secretary of War, transmitting with favorable recommendation the report of Maj. Gen. Edgar Jadwin, Chief of Engineers, containing the plan of the Army engineers for flood control of the Mississippi River in its alluvial valley.

In my message to the two Houses of Congress at the beginning of the first session of the Seventieth Congress, the flood-control problem of the lower Mississippi and the urgent necessity for its solution were outlined. The general duties and responsibilities of the Federal Government in connection therewith were therein discussed.

The total cost of the recommended project is \$296,400,000, distributed over a period of 10 years. This large sum is manifestly justified by the necessities of the situation and the benefits that will result. In determining the distribution of the costs, there must be considered not only the people of the valley itself, who receive the major portion of the benefits, but also the great mass of taxpayers who suffer less directly from Mississippi River floods and upon whom most of the burden of Federal taxation falls. It is axiomatic that States and other local authorities should supply all land and assume all pecuniary responsibility for damages that may result from the execution of the project. It would be revolutionary for the Federal Government to establish the precedent of buying part of the land upon which to build protective works to increase the value of the remainder. Similarly it would be very unwise for the United States in generously helping a section of the country to render itself liable for consequential damages. The Federal Treasury should bear the portion of the cost of engineering structures for flood control that is justified by the national aspects of the problem and the national benefits. It may even bear 80 per cent of such costs, but substantial local cooperation is essential to avoid waste. The portion this would leave to be borne locally for flood-control structures represents an expenditure of about \$3, or 30 cents per year, for 10 years for each acre in the alluvial valley to be protected every year from Mississippi River floods. The value per acre, including railroads, towns, cities, and other improvements, is estimated at something over \$200. It would seem that the States should share with the Federal Government the burden of assisting the levee districts and individual property owners, especially in view of the fact that the States benefit directly by the increased taxes from land made more valuable by reason of its protection.

The plan transmitted herewith is comprehensive and appeals to me as being adequate in its engineering. I concur in general in the conclusions and recommendations reached in the report, and suggest that appropriate legislation be enacted putting them into effect.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORT OF THE BUREAU OF EFFICIENCY

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Appropriations:

To the Congress of the United States:

As required by the acts of March 4, 1915, and February 28, 1916, I transmit herewith the report of the United States Bureau of Efficiency for the period from November 1, 1926, to October 31, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORT OF THE GOVERNOR OF THE PANAMA CANAL

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Inter-oceanic Canals:

To the Congress of the United States:

I transmit herewith for the information of the Congress the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORT OF THE ALIEN PROPERTY CUSTODIAN

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Judiciary:

To the Congress of the United States:

In accordance with the requirement of section 6 of the trading with the enemy act, I transmit herewith for the information of the Congress a communication from the Alien Property Custodian submitting the annual report of the proceedings had under the trading with the enemy act for the year ended December 31, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

MISCELLANEOUS REPORTS OF THE STATE DEPARTMENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying routine report, referred to the Committee on Appropriations:

To the Congress of the United States:

I transmit herewith a report by the Secretary of State on matters concerning the Department of State, required by certain provisions of law enumerated in the report.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORT OF THE CIVIL SERVICE COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Civil Service:

To the Congress of the United States:

As required by the act of Congress to regulate and improve the civil service of the United States, approved January 16, 1883, I transmit herewith the Forty-fourth Annual Report of the United States Civil Service Commission for the fiscal year ended June 30, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

ORGANIZATION OF THE CUSTOMS SERVICE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Commerce:

To the Congress of the United States:

The sundry civil act approved August 1, 1914, contains the following provisions, viz:

The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead: *Provided*, That the whole number of customs collection districts, ports of entry, or either of them, shall at no time be made to exceed those now established and authorized except as the same may hereafter be provided by law: *Provided further*, That hereafter the collector of customs of each customs collection district shall be officially designated by the number of the district for which he is appointed and not by the name of the port where the headquarters are situated, and the President is authorized from time to time to change the location of the headquarters in any customs collection district as the needs of the service may require: *And provided further*, That the President shall, at the beginning of each regular session, submit to Congress a statement of all acts, if any, done hereunder and the reasons therefor.

Pursuant to the requirements of the third proviso to the said provision, I have to state the following changes in the organization of the customs service have been made by Executive order since the last report:

By Executive order dated December 8, 1926, Holeb and Jackman were consolidated into one customs port of entry to be known as Holeb-Jackman and to comprise all of the territory at present included in said ports in customs collection district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me., effective December 15, 1926.

By Executive order dated January 27, 1927, the ports of Ellsworth, Bar Harbor, and South West Harbor, in customs collection district No. 1 (Maine and New Hampshire), were abolished and a new port of entry created to be known as Bar Harbor, in the said customs collection district, with headquarters at Portland, Me., and comprising Mount Desert Island, the city of Ellsworth, and the townships of Hancock, Sullivan, Sorrento, Gouldsboro, and Winter Harbor, effective 30 days from the date of the order.

By Executive order dated February 5, 1927, the ports of Kenosha and Kewaunee, in customs collection district No. 37 (Wisconsin), with headquarters at Milwaukee, Wis., were discontinued as ports of entry, effective 30 days from the date of the order.

By Executive order dated February 25, 1927, Akron, Ohio, was created a port of entry in customs collection district No. 41 (Ohio), with headquarters at Cleveland, Ohio, effective 30 days from the date of the order.

By Executive order dated August 19, 1927, Coos County, N. H., at that time a part of customs collection district No. 1 (Maine and New Hampshire), with headquarters at Portland, Me., was made a part of customs collection district No. 2 (Vermont), with headquarters at St. Albans, Vt., effective 30 days from the date of the order.

By Executive order dated September 22, 1927, Lancaster, Minn., was created a port of entry in customs collection district No. 34 (Dakota), with headquarters at Pembina, N. Dak., effective 30 days from the date of the order.

By Executive order dated September 30, 1927, Alpena, Charlevoix, Detour, Escanaba, Houghton, Mackinaw, Manistee, Marine City, Marquette, Muskegon, St. Clair, and St. Joseph were abolished as ports of entry in customs collection district No. 38 (Michigan), with headquarters at Detroit, Mich., effective 30 days from the date of the order.

By Executive order dated October 8, 1927, Oklahoma City, Okla., was created a port of entry in customs collection district No. 45 (St. Louis), with headquarters at St. Louis, Mo., effective 30 days from the date of the order.

All of the above changes were dictated by consideration of economy and efficiency in the administration of customs and other statutes, with the enforcement of which the customs service is charged, as well as the necessities and convenience of commerce generally.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORTS OF THE COUNCIL OF NATIONAL DEFENSE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Military Affairs:

To the Congress of the United States:

In compliance with paragraph 5, section 2 of the Army appropriation act, approved August 29, 1916, I transmit herewith the tenth and eleventh annual reports of the Council of National Defense for the fiscal years ended June 30, 1926, and June 30, 1927.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

ARLINGTON MEMORIAL AMPHITHEATER

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Library:

To the Congress of the United States:

In compliance with the requirements of the act of Congress of March 4, 1921, I transmit herewith the annual report of the Commission on the Erection of Memorials and Entombment of Bodies in the Arlington Memorial Amphitheater, for the fiscal year ended June 30, 1927. The attention of the Congress is invited to the recommendation of the commission that the memorial to the Unknown Soldier be completed.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

PORTO RICAN PUBLIC SERVICE FRANCHISES

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 38 of the act approved March 2, 1917 (39 Stat. 951), entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of each of 10 franchises granted by the Public Service Commission of Porto Rico. The franchises are described in the accompanying letter from the Secretary of War transmitting them to me.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

ACTS AND RESOLUTIONS OF THE PORTO RICAN LEGISLATURE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying document, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 23 of the Act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of acts and resolutions enacted by the Eleventh Legislature of Porto Rico during its second regular session (February 14 to April 15, 1927) and its second special session (April 25 to May 8, 1927).

These acts and resolutions have not previously been transmitted to the Congress, and none of them has been printed as a public document.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

LAWS AND RESOLUTIONS OF THE PHILIPPINE LEGISLATURE

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Possessions:

To the Congress of the United States:

As required by section 19 of the act of Congress approved August 29, 1916, entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," I transmit herewith a set of the laws and resolutions adopted by the Seventh Philippine Legislature during its second session, from July 16 to November 9, 1926.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

REPORT OF NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Naval Affairs:

To the Congress of the United States:

In compliance with the provisions of the act of March 3, 1915, establishing the National Advisory Committee for Aeronautics, I submit herewith the thirteenth annual report of the committee for the fiscal year ended June 30, 1927.

Attention is invited to the remarks of the committee on the death of its late chairman, Dr. Charles D. Walcott, on whose advice the committee was established by the Congress in 1915. At a time when there was but little appreciation of the value of aeronautics and but slight conception of its problems, Doctor Walcott had the vision to see the need for organized scientific research on the fundamental problems of flight. The establishment of the National Advisory Committee for Aeronautics, the development of its usefulness in the formulation of policies, and the results of its labors in the field of research are a tribute to the leadership of Doctor Walcott, and stamp him as a great constructive force in the upbuilding of American aeronautics.

The technical improvement in the performance and efficiency of aircraft for all purposes, the policy of the Government in the regulation and encouragement of aviation, and the great impetus given to aeronautical development during the past year by the transoceanic flight of Lindbergh and others have combined to cause a broader recognition of the practicability of aircraft as a means of transportation that I believe is destined to play an ever-increasing part in the advance of civilization.

The attention of the Congress is invited to Part V of the committee's report, presenting a summary of the present state of aeronautical development. It is gratifying to note the committee's opinion that aeronautical progress in the United States during the past year has surpassed the hopes of a year ago, and that the present governmental policy is primarily responsible. I concur in the committee's judgment that further substantial progress in aeronautics is dependent largely upon the continuous prosecution of scientific research.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 8, 1927.

PETITIONS AND MEMORIALS

Mr. EDGE presented the following concurrent resolution of the Legislature of the State of New Jersey, which was referred to the Committee on Interstate Commerce:

House Concurrent Resolution 1

[Passed senate March 7, passed house January 31]

The one hundred and fifty-first Legislature of the State of New Jersey begun and held at the city of Trenton, on Tuesday, January 11, 1927

Concurrent resolution memorializing the Congress of the United States for the passage of a Federal law regulating the shipment of machine guns, revolvers, automatic rifles, and other deadly weapons, and the ammunition adapted thereto, in interstate and foreign commerce

Whereas stricter supervision in the matter of the sale, shipment, and importation of revolvers, machine guns, automatic rifles, and other deadly weapons will materially aid in the suppression of crime; and

Whereas the Federal Government by reason of its exclusive control in interstate commerce may regulate the shipment and importation of revolvers, machine guns, automatic rifles and other deadly weapons: Therefore be it

Resolved by the Senate and General Assembly of the State of New Jersey:

1. That the Congress of the United States be memorialized for the passage of a Federal statute prohibiting the shipment of revolvers, machine guns, automatic rifles, and other deadly weapons in interstate and foreign commerce.

2. *Resolved*, That copies of this memorial, signed by the speaker of the house of assembly and attested by the clerk thereof, be transmitted to the Senators and Representatives from this State in the Congress of the United States; and further, that copies so signed and attested be transmitted to the Vice President of the United States and the Speaker of the House of Representatives.

ANTHONY J. SIRACUSA,

Speaker of the House of Assembly.

Attest:

FREDERICK A. BRODESSER,

Clerk of the House of Assembly.

Mr. McLEAN presented the petition of the Y's Men's Club, Y. M. C. A., of New London, Conn., praying the passage of legislation looking toward flood prevention in the Mississippi River, which was referred to the Committee on Commerce.

He also presented a memorial of sundry citizens of Amston and Coventry, Conn., remonstrating against the passage of legislation providing for the compulsory closing of barber shops in the District of Columbia on Sunday, which was referred to the Committee on the District of Columbia.

He also presented petitions of Griffin A. Stedman Camp, No. 6, Sons of Union Veterans, of Hartford; L. D. Penfield Camp, No. 16, Auxiliary to Stanley Post, No. 11, Grand Army of the Republic, of New Britain; Elisha Kellogg Camp, No. 18, Sons of Veterans of Thomaston; Alden Skinner Camp, No. 45, of Rockville; and T. B. Robinson Camp, No. 31, Sons of Union Veterans of the Civil War, of Bristol; all in the State of Connecticut, praying for the passage of legislation to transform the old Ford Theater in the city of Washington into a museum to house the Lincoln relics recently purchased by the Government, which were referred to the Committee on the Library.

PRIVATE BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NEELY:

A bill (S. 430) granting a pension to William W. Freeman; and

A bill (S. 431) granting an increase of pension to Sarah E. Boler; to the Committee on Pensions.

By Mr. BRATTON:

A bill (S. 432) for the relief of Martin E. Riley;

A bill (S. 433) for the relief of Harry C. Bradley; and

A bill (S. 434) for the relief of Sadie Klauber; to the Committee on Claims.

A bill (S. 435) for the relief of Claude J. Neis; to the Committee on Military Affairs.

A bill (S. 436) granting an increase of pension to Margaret Green;

A bill (S. 437) granting a pension to Emilio Du Bois;

A bill (S. 438) granting a pension to Royce E. Marshall; and

A bill (S. 439) granting an increase of pension to Maria Candalaria de Brown; to the Committee on Pensions.

By Mr. FLETCHER:

A bill (S. 440) for the relief of Charles H. Send; to the Committee on Public Lands and Surveys.

A bill (S. 441) granting a pension to Grace E. Avery; and

A bill (S. 442) granting a pension to Georgia Ann Fussell; to the Committee on Pensions.

A bill (S. 443) for the relief of Larry M. Temple;

A bill (S. 444) for the relief of H. C. Magoon;

A bill (S. 445) for the relief of the Florida East Coast Car Ferry Co.; and

A bill (S. 446) for the relief of the Gulf Towing & Transportation Co., of Tampa, Fla.; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 447) granting an increase of pension to Emeline A. Buck (with accompanying papers); to the Committee on Pensions.

A bill (S. 448) for the relief of Lieut. George H. Hauge, United States Army; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 449) for the relief of James Covington; to the Committee on Military Affairs.

A bill (S. 450) for the relief of Charles James Anderson, former commander, United States Naval Reserve Force; to the Committee on Naval Affairs.

A bill (S. 451) granting a pension to Jeremiah Sheehan; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 452) granting a pension to Adeline Thompson (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 453) granting an increase of pension to Henry Pelkey;

A bill (S. 454) granting a pension to Margaret F. Gallaher; and

A bill (S. 455) granting a pension to Mary E. McElheney; to the Committee on Pensions.

A bill (S. 456) to carry out the findings of the Court of Claims in the case of Edward I. Gallagher, of New York, administrator of the estate of Charles Gallagher, deceased;

A bill (S. 457) to carry into effect the finding of the Court of Claims in the claim of Elizabeth B. Eddy;

A bill (S. 458) for the relief of Robert H. Leys;

A bill (S. 459) for the relief of the city of New York;

A bill (S. 460) for the relief of the owners of the barge *Mary M*;

A bill (S. 461) for the relief of the Union Ferry Co. of New York and Brooklyn, owners of the ferryboat *Montauk*; and

A bill (S. 462) for the relief of the estate of William Bardel; to the Committee on Claims.

By Mr. DILL:

A bill (S. 463) for the relief of David J. Williams; to the Committee on Claims.

A bill (S. 464) granting a pension to Gerhard Kolligs;

A bill (S. 465) granting a pension to Clara M. Roberts;

A bill (S. 466) granting a pension to Benjamin L. Swift;

A bill (S. 467) granting a pension to Emma F. Reed;

A bill (S. 468) granting a pension to Daniel F. Shaser;

A bill (S. 469) granting a pension to Otto Leiendecker; and

A bill (S. 470) granting a pension to Elizabeth Tuttle; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 471) for the relief of Agnes McManus and George J. McManus; and

A bill (S. 472) for the relief of Tampico Marine Iron Works; to the Committee on Claims.

By Mr. TYDINGS:

A bill (S. 473) granting an increase of pension to Emily C. Butler;

A bill (S. 474) granting an increase of pension to Annie E. Porter;

A bill (S. 475) granting an increase of pension to Amelia Walter;

A bill (S. 476) granting an increase of pension to Caroline G. Yockel;

A bill (S. 477) granting a pension to Margaret E. Caples;

A bill (S. 478) granting a pension to Edward T. Conway;

A bill (S. 479) granting a pension to George W. Keeney;

A bill (S. 480) granting a pension to Mary Larson;

A bill (S. 481) granting a pension to Ella B. Lockwood; and

A bill (S. 482) granting a pension to Arthur S. Pattison; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 483) granting an increase of pension to Rosine Bigger (with an accompanying paper); to the Committee on Pensions.

By Mr. TRAMMELL:

A bill (S. 484) for the relief of Joe W. Williams; to the Committee on Public Lands and Surveys.

By Mr. McKELLAR:

A bill (S. 485) for the relief of the legal representative of the Bank of West Tennessee;

A bill (S. 486) for the relief of E. B. McHenry, receiver of the Bank of West Tennessee;

A bill (S. 487) for the relief of the legal representatives of Samuel Mosby, surviving partner of Mosby & Hunt;

A bill (S. 488) for the relief of Walter W. Price;

A bill (S. 489) granting increased compensation to Wilson S. Jaynes by the Employees' Compensation Commission;
 A bill (S. 490) for the relief of the city of Bristol, Tenn.;
 A bill (S. 491) for the relief of the State Bank & Trust Co. of Fayetteville, Tenn.;
 A bill (S. 492) for the relief of Thomas J. Hunt, surviving partner of Mosby & Hunt;
 A bill (S. 493) for the relief of Walter W. Price;
 A bill (S. 494) for the relief of the heirs of Haym Salomon;
 A bill (S. 495) for the relief of M. Zingarelli and wife, Mary Alice Zingarelli;
 A bill (S. 496) for the relief of M. Zingarelli and wife, Mary Alice Zingarelli;
 A bill (S. 497) for the relief of Mrs. O. K. Joplin;
 A bill (S. 498) for the relief of John Plumlee, administrator of the estate of G. W. Plumlee, deceased;
 A bill (S. 499) for the relief of W. K. Ellis;
 A bill (S. 500) for the relief of the estate of Matthew C. Butler, jr., deceased;
 A bill (S. 501) for the relief of Daniel M. Whitaker;
 A bill (S. 502) for the relief of the legal representatives of Enoch Ensley, deceased;
 A bill (S. 503) for the relief of Mary Whitaker Moffatt;
 A bill (S. 504) for the relief of Emma Grooms;
 A bill (S. 505) for the relief of the Crystal Steam Laundry;
 A bill (S. 506) for the relief of the heirs of Robert E. L. Rogers;
 A bill (S. 507) to carry into effect the findings of the Court of Claims in matter of the claim of the Overton Hotel Co.;
 A bill (S. 508) for the relief of Cabell Rives Berry;
 A bill (S. 509) for the relief of Eureka Cotton Mills;
 A bill (S. 510) for the relief of Jacob D. Nelson;
 A bill (S. 511) to reimburse Horace A. Choumard, chaplain in Twenty-third Infantry, for loss of certain personal property;
 A bill (S. 512) for the relief of the Shelby Medical College, of Nashville, Tenn.;
 A bill (S. 513) for the relief of the Hottum-Kennedy Dry Dock Co., of Memphis, Tenn.;
 A bill (S. 514) for the relief of Lillian Powell Beach;
 A bill (S. 515) to reimburse Capt. K. E. Kern, Fifty-fourth Infantry, for certain expenditures; and
 A bill (S. 516) for the relief of Minta Goike; to the Committee on Claims.
 A bill (S. 517) for the relief of Robert K. Christenberry; to the Committee on Naval Affairs.
 A bill (S. 518) authorizing the President to appoint J. H. S. Morison to the position and rank of major, Medical Corps, in the United States Army;
 A bill (S. 519) to correct the military record of William Mullins;
 A bill (S. 520) for the relief of Martin A. Hayes;
 A bill (S. 521) for the relief of Robert C. Wilcox; and
 A bill (S. 522) to correct the military record of Thomas H. Nolley; to the Committee on Military Affairs.
 A bill (S. 523) granting an increase of pension to J. H. Williams;
 A bill (S. 524) granting an increase of pension to William Estes;
 A bill (S. 525) granting a pension to John P. Gray;
 A bill (S. 526) granting an increase of pension to J. S. Driggs;
 A bill (S. 527) granting an increase of pension to Samuel Hawkins;
 A bill (S. 528) granting an increase of pension to Sarah M. Brown;
 A bill (S. 529) granting an increase of pension to George W. Pinion;
 A bill (S. 530) granting a pension to William M. Robinson;
 A bill (S. 531) granting an increase of pension to Frank M. Wells;
 A bill (S. 532) granting a pension to F. W. Gerding;
 A bill (S. 533) granting an increase of pension to Israel W. Bennett;
 A bill (S. 534) granting an increase of pension to Susan M. Benton;
 A bill (S. 535) granting a pension to Oscar M. Simpkins;
 A bill (S. 536) granting a pension to William Estes;
 A bill (S. 537) granting a pension to Laura Barker;
 A bill (S. 538) granting an increase of pension to Bessie L. Christie;
 A bill (S. 539) granting an increase of pension to Oscar M. Simpkins;
 A bill (S. 540) granting a pension to Roger James Richmond;
 A bill (S. 541) granting an increase of pension to William H. Hart;
 A bill (S. 542) granting a pension to Robert C. Kistler;

A bill (S. 543) granting an increase of pension to George Milans;
 A bill (S. 544) granting an increase of pension to Robert E. Taber;
 A bill (S. 545) granting a pension to Lissie Young;
 A bill (S. 546) granting a pension to Albert M. Griffith;
 A bill (S. 547) granting a pension to George W. Hucker;
 A bill (S. 548) granting a pension to James Besheers;
 A bill (S. 549) granting a pension to Mary A. Huckaba;
 A bill (S. 550) granting an increase of pension to Murray Pierce;
 A bill (S. 551) granting a pension to Patrick S. Horton;
 A bill (S. 552) granting a pension to Florence Storr;
 A bill (S. 553) granting a pension to George A. Huffer;
 A bill (S. 554) granting an increase of pension to Margaret Howell Butler;
 A bill (S. 555) granting an increase of pension to Percy H. Allen;
 A bill (S. 556) granting an increase of pension to Anita Stephens;
 A bill (S. 557) granting an increase of pension to John L. Dick;
 A bill (S. 558) granting an increase of pension to Annie N. Sullivan;
 A bill (S. 559) granting an increase of pension to Joseph T. Spence;
 A bill (S. 560) granting an increase of pension to Sallie Blevins;
 A bill (S. 561) granting an increase of pension to Robert T. C. Blevins;
 A bill (S. 562) granting a pension to Mattie Johnson;
 A bill (S. 563) granting a pension to Abe Erlich;
 A bill (S. 564) granting a pension to Mattie Wood;
 A bill (S. 565) granting an increase of pension to Lizzie Fain;
 A bill (S. 566) granting a pension to William H. Hart; and
 A bill (S. 567) granting an increase of pension to Tide Owens; to the Committee on Pensions.

SENATOR FROM PENNSYLVANIA

The Senate resumed the consideration of Senate Resolution No. 2, submitted by Mr. NORRIS on Monday last, opposing the seating of WILLIAM S. VARE as a Senator from the State of Pennsylvania.

Mr. McLEAN. Mr. President, I fully realize my utter inability to say what I think ought to be said in this Chamber this morning, but, wisely or unwisely, I have convinced myself that it is my duty to try to say in my feeble way a few things which I think should be said.

In the first place, Mr. President, I want to call to the attention of the Senate, if I can, the exact position which it now occupies before the American people. The Senator from Nebraska [Mr. NORRIS]—and we all recognize the Senator's ability and his high purpose—in his statement with regard to the pending resolution told us that Mr. VARE is a bad man and that there is no question about it. The then Governor of Pennsylvania sent to the Senate a communication in which he tells the Senate that Mr. VARE is a bad man and that there is no question about it.

The Senator from Pennsylvania [Mr. REED]—and I think he is a credible witness; I know no man in the Senate who has superior abilities or finer instincts—tells us that these charges are without foundation. Now it is proposed that this controversy be recommitment to a special committee and they are to do the best they can to find out whether Mr. VARE is a good man or a bad man. In the meantime it is to be assumed that he is a bad man.

The Senator from Pennsylvania called our attention to the fact that in ancient days in England, in Judge Jeffreys's court, a man was presumed to be guilty until he could establish his innocence and was treated accordingly. If my recollection serves me correctly, Dante, in his *Inferno*, tells us that a similar policy prevails in the courts of that region. So to-day we have Satan and the Senate as the two—I trust the only two—living protagonists of this policy. I think I may be pardoned for saying that personally I do not like the association.

That is not all, Mr. President. For more than four centuries the humblest citizen charged with a crime in Anglo-Saxon circles has been accorded certain preconception privileges, and first among them is the right to be tried by a disinterested court. I think we know that that privilege can not be granted to Mr. VARE. I am sure I need not go into the history of the forces that established that right to demonstrate its wisdom.

I think we all realize that there is a good reason why civilized nations to-day defend the humblest citizen, his life, his liberty, his property, and, above all, his good name against interested and arbitrary political officials. It has been said,

and well said, I think, that in every country to-day the value set by that country upon the good name of the citizen is the measure of the degree to which it has become civilized.

I do not know why the framers of the Constitution made this body the sole judge of the elections, returns, and qualifications of its members, but they did it, and it is unimportant for us to inquire into the reasons. They may not have anticipated the rapid development of political parties, with their bitter rivalries and antagonisms. It may be that they felt that inasmuch as a disinterested, unprejudiced court for the trial of contested-election cases could not be had in this world, the power to work an injustice might as well be left in the numerous and supposedly great and good Senate as in a tribunal consisting of one, two, three, four, or even five judges; but the fact remains, Mr. President, that if the title to a seat in the Senate is questioned that question can not be tried by a disinterested tribunal; that under the Constitution, which we all love and respect and sometimes obey, if that question is raised it can not be tried by a disinterested court.

Let us take the case at bar. When we contemplate the vital importance of one or two votes in the organization of this body and in its subsequent proceedings we know that each and every Member of the Senate has a deep personal and political interest in the result of this trial. It may be, Mr. President, that each and every one of us can subordinate that deep personal interest to a still deeper sense of justice and right; but if we want to do it, if we want to evidence that purpose, my position is that we must indicate it by our conduct rather than by conversation, however eloquent and ornamental and oriental that conversation may be. If we want to demonstrate to the American people our intention to be as fair as we can be under the circumstances the way is wide open. It is not our fault that Mr. VARE is to be tried by an interested tribunal, and it is not his fault, but, if we want to do the best we can to give him a fair trial, the way is wide open.

Mr. President, that provision of the Constitution which requires a two-thirds vote to expel a Member from this body was one of the very few provisions that met with unanimous approval of the delegates to the Constitutional Convention. I think the vote of Pennsylvania was divided on the question of the jurisdiction, but on the question involved here every delegate from every one of the Colonies saw the wisdom of placing the right to a seat in this body upon as high a plane as that provided in the case of a judge of a district court. Every delegate from every Colony saw the danger of reposing in this body the power to impeach a Senator by a mere majority vote.

We have the power to do it. The Senator from Nebraska [Mr. NORRIS] in discussing this subject called the attention of the Senate to the fact that all administrative bodies and all courts have the power to play ducks and drakes with justice if they see fit. I admit that; but, Mr. President, to our everlasting comfort, it can be said that the instances are exceedingly rare where a court of consequence in this country has surrendered principle to expediency. This single fact has done more to strengthen and support and preserve the confidence of the American people in this Government than all of its other achievements in peace or in war; and I think we know that our courts must remain above suspicion if we are to remain a civilized people. It is my position that the Senate must remain above suspicion if this Nation is to fulfill its destiny.

Mr. President, shall we, the Senate of the United States, which claims to be the highest court in the world; shall we, who have power to remove Presidents and Vice Presidents and Chief Justices, the power to make and unmake courts and judges; shall we now, fired with partisan zeal, with heads void of facts and hearts filled with determination, hazard our reputation for honesty of purpose while we are demanding that no man of dishonest purposes shall become a Member of this body?

Mr. President, that is all I have to say. The Senate can endure the presence of Mr. VARE. It can not endure a series of political lynchings, I care not how certain the promoters may be that they are avenging the outraged purity of this Republic.

If this controversy is brought before the Senate as it should be, in harmony with the sacred and revered traditions of this body; if this controversy is brought before the Senate in harmony with the letter and the spirit of the Constitution of the United States, my vote will be controlled by the evidence; but if the resolution now pending is forced to a roll call, I shall consider the good name of the Senate of far greater consequence than the good or the bad name of WILLIAM S. VARE.

Mr. EDGE. Mr. President, I know it is unnecessary for me to disclaim any intention of discussing the pending resolution from the standpoint of constitutional interpretations; and yet, as I have considered the entire subject, I think in most, if not all, its phases, I am convinced that even a layman can formu-

late an accurate opinion concerning some of the questions involved.

I am not going to discuss, I repeat, just what the word "qualifications" as contained in the Constitution means. I am of the opinion, however, that if the framers of the Constitution had intended the qualifications for admission in this body to extend beyond age and citizenship and residence, they would have said so. I recognize that leading authorities take both that position and the counterposition. But there is one other word that to me surely can have but one interpretation contained in the paragraph in Article I, which in effect—I have not the language before me—states that the Senate shall have power to decide the elections, returns, and qualifications of its Members. I want to emphasize particularly the word "members." To me "members" can only mean what every one, I think, has always accepted as the meaning.

In Webster's Dictionary, among other definitions of the meaning of the word "member," is recited the following:

Member: One of the persons composing a society, community, or party; an individual who belongs to an association.

There can not be any question as to the meaning of that definition. It is not a quibble to emphasize that word in this debate. How is it possible to pass upon a Member's qualification until he becomes a Member? You can not dismiss a man from membership until he becomes a Member. In my judgment the use of that word clearly shows that the framers of the Constitution—as has been stated by other Senators reaching their conclusions, perhaps, from other premises—meant that a Senator elect must first be placed upon precisely the same basis as those who try him. Questions of qualification beyond those clearly defined in the part of the Constitution to which I have referred are questions of a proper qualification to retain membership after the Senator elect has been sworn in and is on a basis of equality, so far as membership is concerned, with those who will judge his qualifications.

I agree absolutely with the splendid address of the Senator from Idaho [Mr. BORAH] yesterday, in which his conclusion—reached, perhaps, from another basis, or upon other grounds—was substantially the same. Each of the States, under the Constitution, is entitled to two Members in the Senate. We, without any question of a doubt, have the full power to decide whether these Senators, as Members, are qualified to remain as Members of this body but not to deny them admission.

The discussion of the Senator from Nebraska [Mr. NORRIS], in speaking to his resolution, was almost entirely devoted to the alleged expenditure of money or illegal practices in the primary campaign. As I followed it, there was very little reference to the constitutional right of a Senator elect first to become a Member. I believe these two questions should be absolutely divided. I should like to vote, and will vote, as I have, as far as the resolution before us permits us to do so, to admit a Senator elect with proper credentials at any and all times; and I will just as readily vote to refer any protests or challenges as to his right to retain his seat to the proper standing committee, and withhold judgment until its investigation and report is before the Senate. But to dispose of a case of the highest privilege—in which class, of course, this question belongs—in this manner, combining the two issues, as it were, in one, seems to me unfair to two great States, as well as to those who have received the majority votes of the legal electors voting in those States.

Just a word on the question of alleged expenditure of money.

As I have indicated, I do not think that should be the subject of discussion to-day; but if we are to debar a Senator elect from admission to this body mainly, as I take it, upon the ground of an alleged expenditure of money in amounts which are deemed immoral, then we owe it to the country, we owe it to every State in the Union, we owe it to every man or woman who properly is ambitious to become a Member of Congress or to serve his or her State or his or her country in an elective office that there should be a clear definition, based upon population, which we can not properly evade, in order that men will know what is considered an immoral expenditure and what is considered a justified expenditure.

As the Senator from Pennsylvania [Mr. REED] very ably pointed out yesterday, the great State of Pennsylvania, with practically one-tenth of the population of the Union, with an estimated population of approximately 9,500,000 people, with a legal voting population of approximately 4,000,000, can not in all justness be on the same basis in its total expenditures for election purposes as the State of Nevada or any other State of far less population. Roughly computing the expenditure admitted by Senator-elect VARE and those who were associated with him as candidates for office as about \$800,000, and then giving proper consideration—which must be arbitrary, in a

way—as to how much of the \$800,000 should be charged to the Vare campaign in view of the many candidates running with him, let us arrive for purposes of comparison at an arbitrary figure, say, of \$600,000.

If we admit that three-fourths of that entire expenditure, or \$600,000, was particularly for the benefit of the nomination of Senator-elect VARE, under the circumstances we are certainly very liberal. With 4,000,000 legal voters, an expenditure of \$600,000 would mean 15 cents per voter for educational and all other purposes. A heated political campaign justifies the presentation of the facts to the public. Fifteen cents per voter in Pennsylvania approximates, as I have said, \$600,000. Fifteen cents per voter in a number of the smaller States of the Union, without attempting to consult the figures of population, would probably amount to in the neighborhood of five or six thousand dollars, or a little more.

I ask the question in absolute fairness, and with a desire at least to bring this question before the Senate in such a way that ultimately, I hope, some solution or decision can be arrived at: Would it be considered that a Senator for whose election a total of five or six thousand dollars had been disbursed in the same proportion that money was spent in Pennsylvania had been guilty of corruption, or that the total was immoral; that he was thus unfitted for admission to this body? It is a question which in all fairness we can not evade. The ratio must be fixed proportionately if we are to regulate primary elections, as I think many Senators believe we should; and I am inclined to a similar belief. Certainly a great State can not be fairly penalized simply because it is big.

In the resolution now pending there is recited in full the certificate from the then Governor of Pennsylvania, Governor Pinchot, together with a letter. Obviously, from the fact that it appears in the resolution, it is deemed by its proponent, the Senator from Nebraska, as an important argument against the seating of Senator-elect VARE. It is made a part of his case, his complaint, in other words.

The Senator from Pennsylvania [Mr. REED] was most generous and considerate in touching upon this phase of the situation as he did in that very quiet and modest manner for which he is noted. But is it not fair to emphasize the fact that if the expenditures as testified to by Senator-elect VARE as to his own disbursements, approximately \$70,000, are correct—and I have not heard that that statement has been disputed—and the figures as turned in by Governor Pinchot, the former Governor of Pennsylvania, whose testimony is used as the leading evidence against Senator-elect VARE, something short of \$200,000, are likewise correct, then the latter spent approximately two and a half times as much as the Senator elect in an unsuccessful effort to defeat him? If Senator-elect VARE's expenditures have been immoral because they have reached \$70,000, then the man whose testimony has been used as the reason for excluding Senator-elect VARE has been two and a half times as immoral.

Mr. President, I said at the outset that it was not my intention to discuss in detail the alleged expenditures, because I assume that when the committee reports that will be one of the subjects of its report and will be the subject of debate finally. The committee will be charged with the investigation of that matter, and when the committee reports, we will, of course, have additional information and additional testimony which can be discussed.

I only wanted to put before the Senate, before the committee enter again upon their very important deliberations, that this country deserves to know—and in all fairness the man or woman who in the future will aspire to public office has a right to know—if expenditures are to be the main reason for exclusion, as the debate seems to indicate, what is to be the standard of justified or unjustified disbursements. When 33 men—that is what this action or precedent means, 32, a third, plus 1—can bar any and all applicants in the future when a new Congress assembles, it is well for us to carefully consider our great responsibility; yes, and our great power.

Mr. CARAWAY. Mr. President, I have been very much interested in this appeal from Daniel to Noah Webster engaged in by the Senator from New Jersey. He proposes to settle all the constitutional questions by reference to the dictionary. Of course that is a very simple way.

I was also much impressed by the Senator from Connecticut [Mr. McLEAN], who assured us that the devil has taken up his abode in the Senate. He did not tell when he was elected and from what State he came, but having such intimate knowledge of him, I presume he knows how to get him out.

I also want to call attention to the constitutional argument made yesterday by my very distinguished friend from Idaho [Mr. BORAH]. It was truly a great argument. It was divided equally between the two contending forces, and either may read the half of it it likes the better and be governed accordingly.

As I gather from the Senator from Idaho and the Senator from Connecticut, and also the Senator from Illinois [Mr. DENEN], if one shall present his credentials, purporting that he has been selected as a Senator from one of the 48 States, his right to be seated is absolute, that the Senate may look only between the four corners of the certificate; if it be regular as to form, he is entitled to be sworn in.

If that is not their position, I am unable to follow their argument at all, because if you may go back of that certificate for any purpose, if you may examine back of it to ascertain whether he was a resident of the State from which he comes, or whether he had been nine years a citizen of the United States, or whether he had attained the age of 30 years—if you can look back of it for any purpose, then you may go back of it to determine whether the Senator designate has the proper qualifications, as the Constitution gives the Senate the power to determine his election and qualifications for a seat in the Senate. It is obviously true that they must accept one or the other theory, either that if one present a certificate of election that is regular upon its face he is entitled to be sworn in, or they must concede that the Senate has the power to go back of his certificate to determine whether he is entitled to a seat in the Senate.

If we have no power whatever to go back of the certificate prior to the administration of the oath to the Senator designate, then anybody coming here with a certificate is entitled to be sworn in, although every Member of the Senate might know he was not a resident of the State from which he came; although they might know he was not a citizen of the United States; although they might know that he had not attained the age of 30 years. If we have no right to go back of the certificate, we must swear him in and then exclude him.

I doubt if anybody would like to go that far. In some unwatched hour Mr. Insull, who seems to have some control of the seats in the Senate for Illinois, might purchase a seat for the King of England, and the great mayor of Chicago then would have to put him out of the Senate, as he is putting him out of Chicago. [Laughter.] I hope they will not impose upon him the additional duty of guarding the Senate after guarding the city of Chicago against foreign invasion by the King of England. Yet, as absurd as the proposition seems to be, if the contention of these gentlemen as to the Constitution is correct, that we can not look back of the certificate; when a man comes here with a certificate proper as to form we must admit him, and then determine his right to a seat. There is no use dodging the question. Let us be perfectly candid. Let us say that his certificate gives him the absolute right to be sworn in, or the Senate has the right to go back of the certificate and determine whether or not he has the qualifications necessary to entitle him to a seat.

I am frank to say that I do not agree with some of my colleagues about the Governor of Pennsylvania having the right to give to the Senator designate a certificate in which the question of the legality of his election is raised. I do not concede the Governor of Pennsylvania has that right. I do not think the governor of any State has the right to say whether an election was fair or unfair. If he has, then the Senate itself is not the exclusive judge of the election and qualifications of its Members, but the governor of the State from which a Senator elect comes shares that responsibility. Therefore I have not agreed with some of my colleagues who have thought that the governor's tainted certificate was entitled to be received and considered. I do not agree that a governor has the right to issue such a certificate. I think that all he has to do is ministerial, to certify that a man was or was not, apparently, upon the face of the returns, elected.

Therefore it makes no difference to me what kind of a certificate is brought here if it certifies that the man was elected. If that is all there is in it, I think he ought to be seated. But inasmuch as I contend that the Senate is the judge, and not the Governor of Pennsylvania, I think the Senate may inquire into the things that preceded the issuing of the certificate of election. If it has not the power to inquire into that before the Senator is seated, it has not that power after he is seated.

To me it would seem the height of absurdity to say that the Senate has no right to guard itself against the admission of an improper person, but has a right, after he has been admitted, to expel him; in other words, that a Senator designate has more right in this Chamber than a Senator who has been sworn in. That seems to me to be such an absurd conclusion that I hesitate to treat seriously anyone who takes that view of it. To deny that the Senate has the right to guard itself against the admission of an improper person, but the absolute and unqualified right to exclude him after he has been admitted, seems to me to be, as I said before, too absurd to be considered.

Let me refer a moment to this question of the use of money, about which my friend from New Jersey is so much disturbed. The Senator from Pennsylvania stated he was not prepared to criticize the expenditure of \$1,800,000 for his colleague when he and his colleague were making an effort to return him to the Senate. Pennsylvania went on record in 1921 on the questions of expending money in elections. A Democrat had the certificate of election to the House of Representatives from a Pennsylvania district, and was deprived of his seat because a committee with which he had no connection and of which he had no knowledge expended a few thousand dollars in his behalf more than the act of Congress then prescribed.

Every Republican Member of the House from Pennsylvania who voted at all voted to exclude him except one. Strange to say, one Member from Pennsylvania voted to seat him. Every Republican Member of the House from Illinois who voted at all voted to exclude him because of this expenditure, and, like Abou Ben Adhem, leading all the rest was the Senator designate from Illinois [Mr. SMITH], then a Member of the House.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. ROBINSON of Arkansas. The report of the committee upon which the action referred to by the junior Senator from Arkansas was taken disclosed that personally Mr. McLane expended \$748.04, but that a campaign committee expended \$11,749. In its report the committee says:

The committee therefore finds that the contestee, Patrick McLane, must under the law be held to have had constructive knowledge—

Mr. CARAWAY. Although he had no actual knowledge.

Mr. ROBINSON of Arkansas (continuing)—

of expenditures made in excess of the amount permitted under the corrupt practices act. For that reason, in accordance with congressional precedent and as a matter of principle, he is not entitled to his seat in the Sixty-sixth Congress.

Mr. CARAWAY. And all the Republican Representatives from Pennsylvania who voted at all voted in accordance therewith with that report except one. As I said a moment ago, Mr. SMITH, then a Member of the House from Illinois, had himself recorded in the affirmative when that question came up for consideration.

My friend, the Senator from Pennsylvania, says that Mr. VARE should not be held accountable for the \$105,000 which the governor spent for his own campaign; though how he could spend that for his own alone when they ran as partners I do not know.

Mr. REED of Pennsylvania. They did not run as partners until the campaign was nearly over.

Mr. CARAWAY. They ran that way when they were spending the money.

Mr. REED of Pennsylvania. Will the Senator permit a question?

Mr. CARAWAY. Yes.

Mr. REED of Pennsylvania. Is it not true that the Mr. McLane in the House, about whom the Senator has been speaking, was sworn in by the House, and was then tried and denied his seat?

Mr. CARAWAY. But the question is this: The Senator said yesterday that the \$105,000 of which Mr. VARE knew nothing should not be charged to him when every Republican Member of Congress said a Democrat was charged with constructive knowledge of every dollar that might have been expended in the campaign in which he was interested.

Mr. REED of Pennsylvania. But the Senator will notice the difference. One was spent for Mr. McLane's candidacy, but the other was not spent for Mr. VARE's candidacy.

Mr. CARAWAY. It was spent on the candidates for governor and for Senator and for the local candidates, so they say; but the point is that McLane knew absolutely nothing about it and yet they charged him with constructive knowledge of it, and Pennsylvania went on record that he was not entitled to keep his seat in the House because of that fact.

The Senator said he comes here with a mandate from the State of Pennsylvania, but there was a mandate saying that if these people spent money for McLane unrighteously because they said McLane must have constructive knowledge of its expenditure.

Mr. HEFLIN. Mr. President, will the Senator yield?

Mr. CARAWAY. I yield.

Mr. HEFLIN. It would seem also that that money was used largely for Mr. VARE, because his candidate for governor was defeated.

Mr. CARAWAY. Of course, he got more for his money than the governor got.

My friend the Senator from New Jersey [Mr. EDGE] said that the Senator designate, Mr. VARE, spent a very great deal of money for educational purposes. I have read his campaign document. It consisted in declaring that "We want beer." That was the campaign of education. The man who has an educated appetite for beer does not require \$800,000 to be expended to tell him that he wants beer. To talk about that being a campaign of education, even in Pennsylvania, is perverting the use of the term "education." From what I have heard about Pennsylvania, they do not need any education on the question of wanting beer.

I am not going to read what the Senator himself said about Mr. VARE when he was a candidate, although it makes interesting reading. I might mention it to show that he was not carrying on a campaign of education. The Senator said that "the questions on which he would be required to act are the live questions of tariff, immigration, taxation, banking, farm relief, railroad, foreign affairs, and shipping," and he said that of these the Senator designate knows nothing. Of course, I take for granted that my friend from Pennsylvania knew him and his limitation. If those were the questions about which Mr. VARE knew absolutely nothing, what use did he have for \$700,000 to carry on a campaign of education?

Mr. REED of Missouri. How could he represent Pennsylvania? How much is Pennsylvania deprived of?

Mr. CARAWAY. I can not answer the Senator from Missouri as to how much Pennsylvania will lose by reason of the fact that the gentleman does not sit. I do not know.

It was said by the Senator from Pennsylvania [Mr. REED]—and I read his speech again to be certain that I could not be mistaken—that there was not a taint of suspicion attaching to this election. He was talking about both primary and general elections, but he was speaking particularly about the November election because he said the people in Pennsylvania gave him a mandate to stop an inquiry into that. The committee inquired into the primary, but he got a mandate from the people of Pennsylvania to keep it from that inquiry. Therefore he was alluding to the general election, and said no taint of suspicion attached to it. Then, modestly, he admitted that in his own city they had indicted 132 people for doing wrong in connection with that election.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. CARAWAY. Yes, indeed.

Mr. REED of Pennsylvania. I probably did not talk loud enough for it to penetrate the Senator's consciousness, but I tried to tell the Senate yesterday that those indictments were based on irregularities in the primaries in September of this year. They have not any more to do with the case which the Senator is arguing than if they had happened 10 years ago.

Mr. CARAWAY. That is the first time the Senator has said anything about it. Why should he be talking about what took place in this year when we are all talking about the election that was held last year?

Mr. REED of Pennsylvania. Because the challenge was made by somebody on the Senator's side of the aisle, and I answered the challenge, but the Senator apparently did not listen to the answer.

Mr. CARAWAY. Yes, I did; and I read it again this morning. Fortunately, if I can not understand a Senator when he talks, I can read the RECORD to see what he said.

Mr. REED of Pennsylvania. I would not dream of contradicting the Senator, but I would be interested in having the Senator point out where in the RECORD he finds the statement he just quoted.

Mr. CARAWAY. Very well.

I do not know who Mr. Harry A. Mackey is, but he is somebody up in Pennsylvania.

Mr. ROBINSON of Arkansas. Manager for Mr. VARE.

Mr. CARAWAY. Manager for Mr. VARE?

Mr. ROBINSON of Arkansas. Yes.

Mr. CARAWAY. God bless his soul! [Laughter.] Therefore I guess he is entirely credible, is he not?

Mr. REED of Pennsylvania. He is mayor elect of Philadelphia.

Mr. CARAWAY. Since that time he is entirely credible. Here is what was said about him:

Harry A. Mackey, in an address at Scranton, is credited with the statement that 225,000 votes could be changed in 10 minutes by sending a marked ballot to the 1,492 voting precincts. Roper and other officials of the Pepper-Fisher headquarters claim they have unearthed a series of favorite methods used by the VARE machine—

I hope I will not be held responsible for the "VARE machine"—in past elections for defrauding the voters of an honest election vote and count.

Mr. Mackey ought to know. He was VARE's campaign manager.

Roper warns all voters to be on guard next Tuesday to prevent such tactics.

The magical methods of rolling up Vare totals is described as the "floating ballot." It is put into effect, according to Roper, when a Vare sympathizer enters the polling place and asks for a ballot. Upon receiving it, he enters the polling booth. Then he produces a blank piece of paper which is the same size as the regulation ballot. He marks the official ballot and folds it and the blank paper. The paper is deposited in the ballot box. The real ballot is later turned over to a Vare worker, who establishes a chain system by turning it over to a controlled voter, who, after he deposits it, returns the blank ballot over to the worker. This is then marked and handed to another "regular." In this way assistance is avoided and the Vare sympathizers waste no time in the booth.

That was the speech he made. I do not know whether I had better take his word when he makes a speech or not. He seemed to have some idea that is the way they hold elections in Pennsylvania. I do not know. I think one thing about Pennsylvania, and I say it with a great deal of admiration. It is the one Commonwealth in these forty-eight where they can confer upon one immortality. Get on the Republican voting list there and you will never die! [Laughter.] I think it even goes beyond that. It seems that a ripe banana voted very earnestly in this last election. [Laughter.]

But I did not intend to argue the question of the facts. I only rose to comment upon what seemed to me to be an utter inconsistency in saying that the Senate is clothed with the power to exclude those who are not properly elected and is utterly devoid of power to prevent those who are not properly elected from being first sworn in as Members of the Senate. That is a logic, if it be logic, which I can not follow. I would be as far from excluding one upon a charge as anybody, but here was a case in which the sworn testimony had been developed and both the Senators designate had appeared and testified, and from their own evidence they disclosed that they had made expenditures far in excess of what even the Senator from Ohio [Mr. WILLIS], in his famous resolution declaring Mr. Newberry had been elected, could approve. He there stated that the expenditure of such large sums of money—\$190,000—with or without the knowledge of the candidate, was dangerous to our institutions and hurtful to the dignity of the Senate, and therefore, following it to its conclusion, I thought that at least until some explanation of those expenditures should be made there was not any injustice done to the people of Pennsylvania and Illinois to let those Senators designate stand aside until the question could be developed. That is all we are doing here.

Mr. ROBINSON of Arkansas. Mr. President, on behalf of the Senator from Nebraska [Mr. NORRIS], the author of the resolution, and in his name I desire to perfect the text of the resolution as follows:

On page 2, first line, strike out the word "that" and in the same line, after the word "evidence," insert the word "which," so that as amended it will read:

Whereas the said committee has reported the evidence which—

And so forth.

As the committee did not report findings of fact, there is manifestly a clerical error or an error in expression which my amendment will correct. I have the authority of the Senator from Nebraska to perfect the text in this way, and ask that that be done.

Mr. REED of Pennsylvania. There is no objection. May I inquire of the Senator in that connection whether, if it is his plan to amend the resolution so as to send this case for further inquiry, he ought not to agree to strike out the preamble entirely, because it completely prejudices the case which we are sending to a committee for a supposedly impartial investigation?

Mr. ROBINSON of Arkansas. I could not agree at this time to any arrangement of that character. I think the proponents of the resolution would desire a showing in the resolution, in the nature of a preamble, for the reference of the credentials. I think it would be improper to make the reference without that explanation, particularly in view of the fact that the resolution contemplates that the Senator designate shall not be seated until after the committee has reported.

Mr. REED of Pennsylvania. Precisely, but the Senator's resolution, as he plans to amend it, sends the case to a committee of the Senate with such instructions and findings of fact by the Senate as preclude any answer but one to the questions which are submitted to that committee.

Mr. ROBINSON of Arkansas. I do not think the preamble to the resolution as modified prejudices the findings of fact. I do not think it estops the committee in any way.

Mr. REED of Pennsylvania. I think it is too soon for me to make any motion on the subject, until the Senator has finished perfecting his resolution.

Mr. ROBINSON of Arkansas. Very well. In the same way, for and on behalf of the Senator from Nebraska, I desire to further perfect the text of the resolution as follows:

Strike out the last resolve and insert in lieu thereof the following, the language being the same as that employed in the case of the Senator designate from Illinois except, of course, that the name of WILLIAM S. VARE appears in this amendment.

Mr. REED of Pennsylvania. May we have it read?

Mr. ROBINSON of Arkansas (reading):

Be it further resolved, That the claim of the said WILLIAM S. VARE to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to said WILLIAM S. VARE and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate at the earliest possible date; and that until the coming in of the report of said committee and until the final action of the Senate thereon the said WILLIAM S. VARE be, and he is hereby, denied his seat in the United States Senate.

And so forth.

I ask to perfect the text by the adoption of that amendment. The VICE PRESIDENT. The text will be regarded as so perfected.

Mr. ROBINSON of Arkansas. Mr. President, I desire to submit another amendment. It is the amendment which was offered yesterday by the Senator from Missouri [Mr. REED] in another case then pending before the Senate, and is as follows:

Add at the end of the pending resolution the following proviso:

"Provided, That the said WILLIAM S. VARE shall be accorded the privileges of the floor of the Senate for the purpose of being heard touching his right to receive the oath of office and to membership in the Senate."

Mr. REED of Pennsylvania. Mr. President, while the Senator is about it, would he not be willing to strike out, for the present at least, the first paragraph of the resolution, which declares unqualifiedly that the election was tainted with fraud?

Mr. ROBINSON of Arkansas. I shall be glad to consider that suggestion after the amendment which I have just indicated shall have been disposed of and as soon as I have an opportunity to do so.

Mr. REED of Pennsylvania. I beg the Senator's pardon. I supposed he had the right to perfect the resolution in any way that he pleased.

Mr. ROBINSON of Arkansas. I do not make the statement that I am offering this amendment in the name of the Senator from Nebraska. I am offering this amendment in my own name at the suggestion of the Senator from Missouri [Mr. REED].

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the resolution as modified.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, I should like to ask the Senator, if he has finished with his amendments, whether he would not consider also a further amendment requiring a report from the special committee within 60 days?

Mr. ROBINSON of Arkansas. I would be very glad to consider such an amendment.

Mr. REED of Pennsylvania. Will the Senator consider that in connection with my other suggestion?

Mr. ROBINSON of Arkansas. I am not able to answer that question immediately for reasons which I think must occur to the Senator. I do not know what the proponent of the resolution himself would think about such an amendment.

Mr. REED of Pennsylvania. I am only suggesting it for the Senator's consideration.

Mr. ROBINSON of Arkansas. I think, if the Senate desires to do so, that it might be very well to take a short recess in order that I may consider his suggestions.

Mr. CURTIS. Would a recess until 2 o'clock be sufficient?

Mr. ROBINSON of Arkansas. That would be ample.

RECESS

Mr. CURTIS. I move that the Senate take a recess until 2 o'clock.

The motion was agreed to; and (at 1 o'clock and 17 minutes p. m.) the Senate took a recess until 2 o'clock, at which hour it reassembled.

SENATOR FROM PENNSYLVANIA

The Senate resumed the consideration of Senate Resolution 2, submitted by Mr. NORMAN on Monday last, opposing the seating of WILLIAM S. VARE as a Senator from the State of Pennsylvania.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fess	McKellar	Shipstead
Barkley	Fletcher	McLean	Shortridge
Bayard	Frazier	McMaster	Simmons
Bingham	George	McNary	Smith
Black	Gerry	Mayfield	Smoot
Blaine	Gillett	Metcalf	Steck
Blease	Glass	Moses	Steiwer
Borah	Goff	Neely	Stephens
Bratton	Gould	Norbeck	Swanson
Brookhart	Greene	Nye	Thomas
Broussard	Hale	Oddie	Trammell
Bruce	Harris	Overman	Tydings
Capper	Harrison	Phipps	Tyson
Caraway	Hawes	Pine	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Heflin	Ransdell	Warren
Curtis	Howell	Reed, Mo.	Waterman
Dale	Johnson	Reed, Pa.	Watson
Deneen	Jones, Wash.	Robinson, Ark.	Wheeler
Dill	Kendrick	Robinson, Ind.	Willis
Edge	Keyes	Sackett	
Edwards	King	Schall	
Ferris	La Follette	Sheppard	

The PRESIDENT pro tempore. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. GILLETT obtained the floor.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Massachusetts yield to me for a moment? With reference to the subject matter of the suggestions of the Senator from Pennsylvania [Mr. REED] for amendments to perfect the text of the pending resolution, I desire to make those at this time. However, if the Senator from Massachusetts prefers to make his speech first, I shall wait.

Mr. GILLETTE. It makes no difference. I gladly yield to the Senator.

Mr. ROBINSON of Arkansas. With respect to the suggestion of the Senator from Pennsylvania that the time within which the committee may report be limited to 60 days, I have no objection to expressing the following limitation:

Within 60 days if practicable.

I would not be willing to charge the committee with responsibility to report within 60 days if a filibuster or other obstructive process is to be conducted against the proceedings of the committee. I feel that it would be absurd to hamper the Senate and its committee by requiring a report within 60 days if the committee, after all due diligence, should be unable to conclude its work. It will be recalled that the occasion for the further reference to take additional testimony is due, in part at least, to the fact that at the last session, when the committee asked for certain authority, when there was an overwhelming vote, apparently, in the Senate ready to give that authority, the Senate was prevented from registering its action on the resolution by a filibuster ably conducted against the amendment. We desire that the report may be made just as soon as possible, and we would like to have it made within 60 days if that is practicable; but for the reason I have stated I would not offer an amendment which would compel the committee to come in with its work unfinished, if it is to be obstructed and hampered in the performance of its duty. If the amendment as I have offered it is desirable to the Senator from Pennsylvania, I shall be glad to propose it; otherwise, I would prefer to let the text stand.

Mr. REED of Pennsylvania. Of course, I am going to offer a substitute for the entire resolution. If my substitute should meet the same fate as that met by the substitute of the Senator from Illinois [Mr. DENEEN] on yesterday, then we will come back to the resolution with reference to which the Senator from Arkansas is now suggesting an amendment. I think that it would be well to have in the resolution a 60-day limitation expressed in that way.

I am told by the chairman of the Committee on Privileges and Elections that it will be possible for that committee to complete its count of the Pennsylvania ballots in 60 days. The Senate has already referred to the Committee on Privileges and Elections the election contest brought by Mr. Wilson. If the committee can complete that great work in 60 days, it would seem that it would be wise to have the report of this special committee also in the hands of the Senate at the same time.

For that reason I offer no objection to the amendment suggested by the Senator from Arkansas.

Mr. ROBINSON of Arkansas. I am offering it to meet the suggestion made by the Senator from Pennsylvania. I do not care to offer it unless he would prefer to have the amendment made.

Mr. REED of Pennsylvania. If the resolution is to be adopted, I prefer to have the amendment.

Mr. ROBINSON of Arkansas. Very well. I propose the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Arkansas.

Mr. KING. Let the proposed amendment be reported.

The PRESIDENT pro tempore. The proposed amendment will be reported.

The CHIEF CLERK. In the substitute offered strike out the words "at the earliest possible date" and insert in lieu thereof the words "within 60 days if practicable," so as to make the sentence read:

Resolved, That the claim of the said WILLIAM S. VARE to a seat in the United States Senate is hereby referred to the said special committee of the Senate, with instructions to grant such further hearing to the said WILLIAM S. VARE and to take such further evidence on its own motion as shall be proper in the premises, and to report to the Senate within 60 days if practicable.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. There are two other amendments which I intend to propose, as follows:

On page 4, line 3, after the word "Senate," insert the words "prima facie," and on page 4, line 10, after the word "Pennsylvania," insert the words "prima facie," so that it will read:

Resolved, That the expenditure of such a large sum of money to secure the nomination of the said WILLIAM S. VARE as a candidate for the United States Senate prima facie is contrary to sound public policy, harmful to the dignity and honor of the Senate, dangerous to the perpetuity of a free government, and, together with the charges of corruption and fraud made in the report of said committee, and substantiated by the evidence taken by said committee, and the charges of corruption and fraud officially made by the Governor of Pennsylvania, prima facie taints with fraud and corruption the credentials of the said WILLIAM S. VARE for a seat in the United States Senate."

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Arkansas.

The amendment was agreed to.

Mr. GILLETTE. Mr. President, I had not intended to take any part in this discussion, but there is one phase of it which has not been expressed which goes far to determine my vote. Before casting my vote I wish to state my opinion. I appreciate that the Senators have made up their minds, that no argument can affect the result, and I shall be very brief.

The Senator from Idaho [Mr. BORAH] on yesterday, with his usual force and thoroughness, discussed the question of elections to the Senate, and in his conclusions I concur, but there is a further point which I believe has great bearing on the subject which I wish to emphasize, namely, that the Senate has no right at all to consider the fitness of any Member elect except upon the three grounds specified in the Constitution—age, citizenship, and inhabitancy. I appreciate that the language of the Constitution may be interpreted in two ways; that it may be interpreted to limit our powers or it may be interpreted not to do so. It is ambiguous, and when the language of an instrument is ambiguous it is proper to consider the intention of its framers. In looking back to the deliberations of the Constitutional Convention and the atmosphere that existed at that time, I can not help believing that the framers of the Constitution never intended to support a proposition—and if such a suggestion had been baldly placed before them they never would have adopted it—to allow the Senate absolute and unlimited discretion to determine the fitness of Members elected to this body by the States.

We know that at the time of the Constitutional Convention the one great objection to the Constitution against which the persons who were advocating its adoption had constantly to fight was the jealousy of the States of Federal power. State rights then had a force and conviction which is unknown to-day. The marvelous success of our experiment in government has largely overwhelmed all opposition, but at that time there was an unconcealed fear of the Federal power not only in the Constitutional Convention, but in the State conventions when the States came to ratify the Constitution. So great was that opposition that the Constitution was only ratified, as we know, by a very narrow margin, because of the feeling of State rights

and the unwillingness to concede power to the Federal Government. It was only by concessions in the way of amendments which limited Federal power that the ratification of the Constitution was finally obtained.

It seems to me inconceivable that as to the Senate, which was then looked upon as the citadel of the rights of the States, where every State had equal representation, those men in that atmosphere, if the proposition which is advocated to-day had been put before the Constitutional Convention, it would never have adopted it. I believe that had it been advocated that the Senate should have the power to decline to seat any Member elected by any State for any reason which it saw fit, that such a proposition would have been overwhelmingly rejected. It is practically the argument to-day that we can reject anybody elected to the Senate if we think he is unfit, no matter whether or not his State may have condoned any alleged offense or impropriety.

Take the cases before us to-day. In both States the objections which are made here on the floor of the Senate to the seating of these Members elect were well known to the voters. The Senate committee had made its investigation, and I do not think publicity was shunned as to the results of that investigation. The facts were well known throughout the States. Knowing those facts the States sent these men to the Senate. Consequently, it seems to me, inasmuch as these men meet the three qualifications which the Constitution provides, that it is our duty to accept them, and we have no right on the ground of unfitness to say that they shall not be admitted to the Senate.

I appreciate that this is the unpopular side of the question; I appreciate that every instinct of selfishness would urge a man to take the other side. I confess that I have great sympathy with that third of the Senate who will come up for election next year and who are now confronted with this issue and must take a public stand upon it, because we have seen in the past how powerful an issue it can be made. Against them it can be said that they are on the side of wealth and corruption and that they are not willing to stand for the purity of the ballot.

I can conceive that Senators against whom their rivals have no issue, who have a certainty of nomination and election, might well feel that here is an issue that could be raised against them, and that it would have great force and danger. I, fortunately, am not in that position, but I can see the embarrassment and the pressure that must come upon every man who stands in that unfortunate attitude.

I do not believe that the doctrine announced in the Newberry case by the Senate is sound doctrine. As I understand, that was a simple statement that the amount of money which was spent constituted an impropriety and was dangerous to the perpetuity of the Nation. In my opinion it is not the amount of money which is spent but the purpose for which the money is spent which determines whether the expenditure is corrupt or whether it is proper. The sum of \$100 spent to corrupt and purchase a vote would be more reprehensible than \$1,000,000 spent for legitimate purposes of information and advertising. We should not forget that this is the age of advertisement. The use of money in elections has been increasing, and I regret to say has become more and more necessary, I believe, to a successful contest. Why? Not because the people are more corrupt, not because the money is spent directly to influence the people, but because this is the age of publicity, and expensive and helpful methods of publicity have been discovered.

I noticed this morning in the Washington Post that the people of the impoverished flood districts of the Mississippi have inserted a whole page advertisement, which must have cost a handsome sum, for the purpose of impressing the people at large with their needs. Every good as well as every bad object and purpose appreciates the value of publicity, and every man entering a campaign appreciates it.

In my section of the country—I do not know how it is elsewhere—I believe the improper use of money is much less common than it was a generation ago. I remember when I was a young man that the purchase of votes was not unknown, but now I never hear of such a thing. In my section I do not believe there is now any corrupt use of money in the sense that votes are purchased or the electorate is corrupted; but indirectly it is used in the way of advertisement, in the way of propaganda. We all agree that what we want is a ballot uninfluenced by any selfish consideration, yet in my opinion the use of money, so far as interfering with the integrity of the ballot is concerned, is not comparable with race prejudice, or class prejudice, or religious prejudice, or, in the great cities, with organizations which all through the year give out patronage and offices and work and charity and then on election day demand and receive obedient votes. That all interferes with the

purity and integrity of the ballot, and in my opinion vastly more than does the use of money. But the question always in my mind is not how large a sum of money has been used but for what purposes it has been used. The adoption of the primary system has largely increased the need of the expenditure of money. A man who, instead of appearing before a convention where he would probably be known to the delegates, has to bring himself before the constituency of a whole district or a whole State necessarily seeks to make himself known, and that requires advertisement, information, propaganda. So long as it is legitimate and proper information it is useful; it encourages and educates the public. Of course, if money is used corruptly everybody would denounce it, and if the charge of corruption is proved it is sufficient to invalidate the election; but the mere amount of money is not of itself, it seems to me, necessarily a subject of criticism, although I appreciate that on the stump resounding attacks will be made.

Mr. GLASS. Mr. President, I should like to ask the Senator from Massachusetts, if he does not think the amount of money expended is a pertinent question, what chance he thinks Daniel Webster would have had for election to the United States Senate from a State where there was expended in the primaries \$1,800,000?

Mr. GILLET. I think Daniel Webster would have been elected in Massachusetts if he had not spent a dollar.

Mr. GLASS. After a while he would have been, perhaps; but when he was a poor man and had to borrow \$50 from a bank what chance would he have had of election against an opponent who could spend \$800,000 in an election?

Mr. GILLET. Of course, the man who can obtain publicity, and has the money to obtain publicity, has a tremendous advantage, and any young and poor man is at a disadvantage against such an opponent.

Mr. GLASS. Does the Senator think that ought to be so?

Mr. GILLET. I do not see how we are going to prevent it. I do not see why it is improper.

Mr. GLASS. We have not prevented it; but does not the Senator think we should prevent it?

Mr. GILLET. I do not think we ought to punish a man for legitimate advertising.

Mr. GLASS. No advertising for a political office is legitimate which costs \$800,000.

Mr. GILLET. That depends, of course, on the size of the constituency. As the Senator from New Jersey [Mr. EDGE] suggested this morning, nobody would think of objecting if a candidate in Nevada spent \$6,000. We would not think that was illegitimate, and yet \$6,000 in Nevada is as much as \$800,000 in Pennsylvania.

Mr. GLASS. Suppose we back away from the theory of the thing now and get down to a practical question. Does the Senator believe that anybody in Pennsylvania knew any more about W. S. VARE after the expenditure of this \$800,000 than he knew before?

Mr. GILLET. I certainly do.

Mr. GLASS. The Senator does?

Mr. GILLET. I certainly do.

Mr. President, I only wish to repeat that, in my opinion, the Senate has absolutely no right to pass upon the fitness of these men except from the standpoint of the three qualifications which the Constitution provides.

Mr. GLASS. Right on that point may I ask the Senator another question?

Mr. GILLET. Certainly.

Mr. GLASS. If that be so, how does the Senator account for the fact that the original draft of this particular provision of the Constitution was affirmative and that the second draft was negative—that is to say, in the nature of disqualification rather than in the nature of asserting a qualification? Furthermore, how does the Senator account for the fact that with respect to the provision of the Constitution which says that each House of Congress shall be the judge of the elections, returns, and qualifications of its Members, when Mr. Randolph proposed a property tax it was objected to by Mr. Wilson, of Pennsylvania, upon the ground that to assert any one disqualification might preclude either branch of Congress from considering other disqualifications.

Mr. GILLET. I do not remember that last incident, but I went carefully through the deliberations of the constitutional convention last winter, and, while I recognize that some actions pointed one way and some the other, I concluded that on the whole nobody would have dared on the floor of the convention to have proposed such an open claim as is now made.

Mr. BLEASE obtained the floor.

Mr. BRUCE. Mr. President, before the Senator from Massachusetts takes his seat I should like to ask him a single ques-

tion, because I want to put myself in a position to feel the full force of his contention.

Suppose the fact should be developed, between the time of the election of a Senator and the time he came here to take his seat, that he was a thief or some other grossly flagitious kind of criminal. Does the Senator mean to contend that nobody, neither the State from which he came nor the Senate of the United States, would have the power to exclude him from a seat in this Assembly?

Mr. GILLETT. Do I understand the Senator to say after his election?

Mr. BRUCE. Yes. Suppose the fact that he was a thief was developed between the time that he was elected and the time that he came here to take his seat. I ask the Senator, would we be legally expected to sit beside him and to breathe for six years in this Chamber the atmosphere that he breathed?

Mr. GILLETT. Not at all; but we would be expected to seat him, because we have no right under the Constitution not to do so; and then we would have the right to expel him.

Mr. BRUCE. That is denied by Mr. JAMES M. BECK, who has prepared probably the ablest dissertation on the subject of this debate from his side of the question that anyone has done. He claims, the Senator will recollect, that the Senate has no power to expel except for some cause that has arisen in the course of the discharge of the duties of the Senator.

Mr. GILLETT. I do not recollect that Mr. BECK said that; and, while I have great respect for Mr. BECK, I should certainly differ from him if that was his position.

Mr. BRUCE. I think the Senator will find, if he gives a little more thought to the subject, that with his premises it is impossible to escape that conclusion. Mr. BECK's conception is that the right of the Senate to expel is a purely disciplinary right—that is to say, a right of the same general nature as the right to punish a Member of the Senate for disorderly behavior. I ask the Senator again, assuming that that is so—

Mr. GILLETT. I do not agree that that is so.

Mr. BRUCE. The Senator does not?

Mr. GILLETT. Certainly I do not. Of course, I appreciate that both sides of that question have been taken.

Mr. BRUCE. That multiplies my difficulties. I do not know exactly what I have to meet. One of the protagonists of the two applicants for seats here takes one view, and, as I understand, that view has very considerable support among the partisans of Mr. VARE and Mr. SMITH; and now we find the Senator from Massachusetts taking a radically dissimilar view. What view are we to take?

Mr. GILLETT. Obviously, each Member of the Senate—as has been shown so clearly that it is hardly necessary to refer to it—takes his own view.

Mr. BRUCE. Then I will take the view of the Senator from Massachusetts. The Senator recalls, of course, that expulsion can be effected only by a two-thirds vote.

Mr. GILLETT. Certainly; and that was the very purpose, it seems to me, of that provision. In such a case as the Senator has used as an illustration there would be no question about a two-thirds vote, I should suppose; and it is for just such cases, in my opinion, that the power of expulsion is given.

Mr. BRUCE. That is to say, no matter how infamous the applicant for the seat was, no matter whether he was a thief or an embezzler, the Senate would have no choice except to administer the oath to him and admit him to his seat, and then to expel him afterwards by a two-thirds vote?

Mr. GILLETT. Certainly I take that position. Of course, the Senator is suggesting, as is generally suggested to make an argument, an extremely improbable case. It might happen, of course; and in that extremely improbable case there is a remedy, as I say.

Mr. BRUCE. That is to say, after the Senator is seated the Senate could proceed to do what it would seem in all propriety it should have done before when the applicant appeared here?

Mr. GILLETT. Exactly.

Mr. BRUCE. I say it is impossible that the framers of the Constitution could have formed any such narrow conception of their duty as that. When they provided that the Senate should be not simply the judge, as the Senator from Arkansas said this morning, but the sole judge of the elections, returns, and qualifications of its Members, I assert that they intended to use the word "qualifications" in a sense that would meet all exigencies of every sort that might arise in relation to the misconduct or the evil repute of a Senator elect.

That is to say, if the Senator is right, we are to admit a thief, knowing that he is a thief. We are to admit him as a thief, desecrate our oath of office by administering it to him, seat him in his seat with every ceremonious gesture that

belongs to the ordinary proceedings of a parliamentary body, but all with the intention of unseating him, as the Senator from Arkansas [Mr. ROBINSON] so appositely suggests. I say that can not be.

Mr. GILLETT. In our experience of over 100 years no such instance as that has ever happened. It probably never will happen. The Senator, of course, can conceive something that is quite embarrassing; but, in my opinion, it is quite beyond the bounds of probability, although I have given what I think is a sufficient answer to it.

Mr. BRUCE. Why, Members of Congress have been charged with the perpetration of criminal offenses after they have come here, and those criminal offenses have been made the basis of proceedings against them in Congress. There is more than one precedent of that sort. The Senator is mistaken.

Mr. WATSON. But, Mr. President, does the Senator know of a single instance where a man has been excluded from the Senate on any such ground?

Mr. BRUCE. I can not recall any specific instance. I do not profess to have any remarkable degree of familiarity with the precedents relating to this subject; but the statement was made here the other day, and was unchallenged, that in 18 instances the Senate has refused to administer the oath to a Senator elect and to admit him to a seat in this body.

Mr. WATSON. That was because of irregularities in the credentials, or because he lacked some one of the essential qualifications.

Mr. BRUCE. Not at all, as I understand. No such contention was set up. I do not believe it can be set up.

Mr. WATSON. Then I challenge the correctness of the statement, because it can not be shown that that is true. In other words, I will say to my friend, he has not examined the precedents. Except in the time of the Civil War and the period immediately following the Civil War, the hectic conditions of society immediately after that great struggle, the precedents are absolutely uniform that where a man came here with regular credentials, possessing the regular qualifications as shown by those credentials, he has been sworn in.

I remember in one case where it was charged over on the House side that some man was a moral monster. That was the charge made against him—that he was a moral monster.

Mr. BRUCE. That is no charge at all.

Mr. WATSON. But they proceeded to specify. It might not be in these days a charge. It was then considered something.

Mr. BRUCE. You do not have to resort to any generalities of that kind in the State of Indiana, I am sure.

Mr. WATSON. Mr. James A. Garfield rose up to say:

Is there anything in the Constitution to show that the people have not the right to elect a moral monster if they want to? If a moral monster is elected, and comes here regularly authenticated, it is our duty to swear him in.

Mr. GLASS. There is something in the Constitution that gives us the right to exclude him, though.

Mr. WATSON. Provided his credentials are not regular, and provided he comes here not clothed with the three essential qualifications prescribed in the Constitution of the United States.

Of all the great men who have ever dealt with this subject from the foundation of the Government up to this hour I want the Senator to name me one man who has taken a contrary position. From Madison and Monroe and Hamilton and all the men who dealt with that proposition in the Constitutional Convention up to this very hour, where is there a man who has taken the contrary position?

Mr. BRUCE. All I know is that eighteen times—

Mr. WATSON. No; I challenge the statement.

Mr. BRUCE (continuing). The Senate has refused to administer the oath to applicants for seats in this body. Let the Senator produce the 18 precedents. But the Senator attaches to the credentials of which he speaks a finality that I do not attach to them. As the Senator from Arkansas [Mr. CARAWAY] argued this morning, I think that any effect which would ordinarily attach to the credentials that the governor of a State sends here with reference to a Senator are overridden by the power that the Senate has as the sole judge of the elections, returns, and qualifications of its Members. It has the right at any time that it pleases, without reference to the credentials that come here from any governor, to say whether or not a Senator shall be admitted.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator yield?

Mr. BRUCE. Yes.

Mr. ROBINSON of Arkansas. The Senator from Indiana has made a challenge, and he has made it entirely too broad. Two

great Senators expressed an opinion contrary to that which he asserts is the universal opinion of great men, including himself.

Mr. WATSON. I thank the Senator.

Mr. BRUCE. From Daniel Webster to James E. Watson.

Mr. WATSON. I am very glad to say that I am happy to follow the precedents established by that great man, from which he never departed, while my friends on the other side, after having for over 140 years stood for the doctrine of State rights, have yesterday for the first time utterly abandoned it and cast it on the scrap heap.

Mr. ROBINSON of Arkansas. Mr. President, I do not think this debate should degenerate into a partisan or a political discussion. I think the remarks of the Senator from Indiana are calculated to promote that end. He made a challenge which I accept. I think Trumbull, of Illinois, was a great man and a great Senator, and I think Charles Sumner was a great man and a great Senator.

Mr. WATSON. They both were.

Mr. ROBINSON of Arkansas. Then the Senator concedes that the two men to whom I have referred were great statesmen.

Mr. Trumbull is quoted as making this declaration:

It is not true that credentials have not been referred before parties have been sworn in in the Senate. Usually, where the credentials were fair upon their face, the person claiming a seat has been sworn in as a Member; but there are cases where the credentials themselves were referred, cases where Senators were refused their seats, and where Senators received their seats after the credentials have been referred.

Mr. Sumner is quoted as making this declaration:

It is said that the proposition now before the Senate is without a precedent. New precedents are to be made when the occasion requires. Never before in the history of our country has any person appeared to take a seat in this body whose previous conduct and declarations as presented to the attention of the Senate gave reasonable ground to distrust his loyalty. It belongs, therefore, to the Senate to make a precedent in order to deal with an unprecedented case. The Senate is at this moment engaged in considering the loyalty of certain Members of this body; and it seems to me it would poorly do its duty if it admitted among its Members one with regard to whom, as he came forward to take the oath, there was a reasonable suspicion.

Mr. Sumner laid down the doctrine that one whose conduct and acts showed him to be disloyal was not entitled to be sworn in; and I undertake to say that if one came to the door of the Senate now confessing himself to be a traitor within the meaning of the Constitution of the United States there is not a Senator in this body who would dare vote to seat him for one moment.

The Constitution, in the clause referred to by the Senator from Massachusetts, does not define loyalty to the flag or to the country as one of the qualifications prescribed for Senators.

If the Senator from Maryland will indulge me for just a moment more—

Mr. BRUCE. I will, with pleasure.

Mr. ROBINSON of Arkansas. I will make a statement upon that subject which I think will help clear up the constitutional phase of the question; I hope it will. I realize that Senators who have reputations as lawyers have discussed this subject, and that some of them have expressed a different conviction from that which I entertain. But I undertake to say that the language in the Constitution of the United States which declares that "No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the United States, and who shall, when elected, be an inhabitant of the State for which he shall be chosen," is not the equivalent of a declaration that any person who has been a citizen of the United States for 9 years, and who is 30 years of age, and who is, at the time of his election, a resident of the State for which he is chosen, is necessarily qualified. The difference in the two declarations is apparent to any one. In my judgment, it does not require a constitutional lawyer to make that distinction.

The three conditions named in the Constitution are disqualifying conditions, rather than qualifying conditions. No one can be a Senator who is not 30 years old, no one can be a Senator who has not been a citizen of the United States for 9 years, and no one can be a Senator who is not a resident of the State for which he shall be chosen at the time of his election. But that does not mean, it does not imply, that one who is a self-confessed criminal, or one who is disloyal to the country, shall be a Senator if he possesses the three qualifications to which I have referred. It is a matter of common sense as much as it is a matter of legal interpretation.

This opinion was expressed by one of the greatest men who ever served in this body, a lawyer of international renown, Elihu Root. He said, in a speech the echo of which still rings through this Capitol, that the power of the Senate to pass upon the qualifications of its Members is practically unlimited, and that the Congress itself can not impose a limitation on that power. He recognized, as all Senators should recognize, the obligation to exercise this power the more cautiously because of the fact that it was unlimited.

I undertake to say that the great danger to this country now is not that the Senate will abuse its power in passing upon the qualifications of its Members, but it is that it will fail to exercise its power, and the institutions of this Republic, the Senate itself, be undermined by the processes of corruption which, like slimy worms, cavern their way into the walls and towers of state in unsuspecting hours. Your danger and my danger is not so much that we will abuse our power but that we will be servile and fail to exercise it.

There is no question here of denying the right of equal representation to the States. The question is whether a Senator designate has been chosen and is qualified. Equal representation does not always mean full representation. I grant you that such an application of the law and of the Constitution should be made as will give, whenever practicable, the full representation of a State, but I make the assertion that those who invoke the equal-representation clause of the Constitution are practicing a subterfuge. Neither in this case nor in any other that has ever come before the Senate of the United States has there been an attempt to say that Rhode Island shall not have as many Senators as Pennsylvania, but the proposition is, when one presents himself at the door of the Senate, whether the Senate can determine the question of his qualifications.

Senators have said that the right to exercise that power begins only after the Senator elect has been sworn in. I challenge any lawyer to give a reason why such an interpretation should be placed upon the Constitution. If the power is practically unlimited, it attaches from the beginning, it attaches when the Senator designate presents himself, and it is an absurdity of which Senators should not be guilty to say that the facts are such that they will vote to unseat a man but in some mysterious way are compelled by the Constitution first to vote to seat him. If Senators have received evidence which, in their opinion, would justify them in finally voting to unseat a man, it is a senseless act, which no constitution or law requires, to vote first to seat him and then vote to unseat him.

I thank the Senator from Maryland for yielding to me.

Mr. BRUCE. Mr. President—

Mr. WATSON. Mr. President—

Mr. BRUCE. I believe I have the floor.

Mr. WATSON. Oh, yes; I suppose the Senator has, although I am not sure whether the Senator from Maryland or the Senator from Massachusetts had the floor.

The VICE PRESIDENT. The Senator from South Carolina [Mr. BLEASE] has the floor.

Mr. BRUCE. The Senator from Arkansas has anticipated so completely my argument—

Mr. ROBINSON of Arkansas. I want to apologize to the Senator for taking his time.

Mr. BRUCE. Not at all. I will not say, as I intended to do, that the Senator has not only stolen all my thunder, but all my lightning.

In reply to the Senator from Indiana—

Mr. WATSON. Inasmuch as my friend, the Senator from Arkansas was replying to me, may I not say a word?

Mr. BRUCE. No; I am sorry I can not yield now.

The VICE PRESIDENT. The Senator from South Carolina was recognized. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. BLEASE. With great pleasure.

The VICE PRESIDENT. The Senator from Maryland.

Mr. BLEASE. I want him to get his speech off his system.

Mr. BRUCE. I did not catch what the Senator said. I know, however, that it was just a pleasantry.

Mr. BLEASE. I said I wanted the Senator to get his speech off his system.

Mr. BRUCE. The Senator is always so extremely courteous that I knew that what he said was something of that nature.

The Senator from Indiana was referring to the case of Mr. VARE as well as that of Mr. SMITH, as I understood his remarks, and I simply wish to say this, first of all: What he was saying hinged largely on the claim that in the VARE case we have unimpeachable credentials emanating from the governor of the State, and that those credentials are entitled to the highest degree of respect; in other words, should be given *prima facie*

effect, and that Mr. VARE should be allowed to take the oath and occupy his seat.

So far as the VARE case is concerned, I desire to remind the Senator from Indiana that Mr. VARE does not turn up here with irreproachable credentials. He turns up here with a certificate from the Governor of Pennsylvania that his title to a seat in this body, whatever it may be, was partly bought and partly stolen. Is that the conception of unimpeachable credentials that the Senator from Indiana entertains?

Mr. WATSON. Will the Senator suffer an interruption there?

Mr. BRUCE. Yes.

Mr. WATSON. My understanding is that the credentials issued by Governor Pinchot stated that Mr. VARE appeared to be elected, but the credentials themselves say nothing about purchase.

Mr. BRUCE. You can not separate them.

Mr. WATSON. He wrote a letter.

Mr. BRUCE. You can not separate the letter from the credentials; it is one indivisible document the Senator will find when he comes to examine it.

Mr. BORAH. Mr. President, may I ask the Senator a question?

Mr. BRUCE. Yes.

Mr. BORAH. The credentials of Senator-elect VARE were sent to the Committee on Privileges and Elections, and the committee, as I understand, reported that his credentials were valid upon their face. I understand that that is the record upon which we are now proceeding.

Mr. BRUCE. I have been here too long to accept as gospel every report that comes from a committee, even when the distinguished Senator from Idaho happens to be one of its members.

The point I make is that the Senator from Indiana errs when he makes the statement—I will not say the rash statement—that Mr. VARE, at any rate, came to this body with unassailable credentials. He did nothing of the sort. I believe that afterwards some sort of certificate was obtained from Governor Fisher.

Mr. WATSON. Some sort? Was not the one sent by Governor Fisher in regular form, the kind that is always sent?

Mr. BRUCE. Was it in order?

Mr. WATSON. Yes.

Mr. BRUCE. A title must be bad, indeed, when it takes the certificates of two governors to confirm it.

Mr. WATSON. The Senator knows very well that Pinchot was one of the candidates against VARE. Everybody understands that.

Mr. BRUCE. I also know that Mr. Pinchot enjoys the reputation of being an honorable and public-spirited man.

Mr. WATSON. That is a matter I am not going to discuss.

Mr. BRUCE. I say that with pleasure, because of the fact that I differ profoundly from him with reference to many public questions.

Mr. WATSON. I myself have differed long with Governor Pinchot on most public questions, and I am not going to discuss him.

Mr. BRUCE. The Senator has disagreed with him so long that he is not able to do him justice.

Mr. WATSON. I decline to discuss that question, because it has not anything to do with the case. But the fact about it is that he was an opponent of VARE, and the fact is that he himself spent \$187,000 in this campaign, which was as much as we expelled Newberry for expending.

Mr. BRUCE. I am not saying that Mr. VARE partly bought and partly stole his seat. God forbid! His case is to be referred to a committee, he is to have the fullest opportunity to present any testimony to that committee which he may choose to present, and he is to have the further opportunity to appear upon the floor of the Senate and to make his personal appeal to the Senate as best he can; and until that time, I propose to reserve my opinion as to his case.

I had no intention in the world of making an address to the Senate when I rose, but I do wish to say one thing in reply to the Senator from Massachusetts [Mr. GILLET]; and he knows that there is no Member of this body who entertains a deeper feeling of respect for him than I do.

The Senator from Massachusetts seems to think that the views of the framers of the Federal Constitution with respect to State rights were of such a very pronounced, unreserved character that it is impossible to conceive that they could have intended to confer upon the Senate the power to exclude a Senator elect on such grounds as those on which it is proposed to exclude Mr. VARE or Mr. SMITH.

I say that in many respects the framers of the Federal Constitution exhibited quite as sedulous a degree of tenderness for the rights and the powers of the Central Government as they did for the rights and powers of the States, and in no respect does the Federal Constitution manifest a more cautious and a more circumspect spirit than it does with regard to the control that Congress is to have over persons who are certified to it as duly elected by their States.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. BRUCE. Yes; I yield.

Mr. REED of Pennsylvania. Suppose we concede all that for the purpose of the argument, that the Senator from Maryland is right in his contention—

Mr. BRUCE. I will say to the Senator, do not concede too much, because then I shall not have an opportunity to say anything at all. [Laughter.]

Mr. REED of Pennsylvania. Starting afresh, suppose, for the purpose of the argument, we concede all that the Senator from Maryland has said as to the right of the Senate to expel a Member, before or after he is sworn in, for any cause which, in the judgment of the Senate, seems sufficient. Suppose we concede that now for the moment. That is not the question with which we are confronted to-day. The Senator from Arkansas, by his amendment to the resolution, has shown that there is at best only a prima facie case against Mr. VARE; has shown that it is necessary to refer it to a committee of the Senate to make further investigation and a definite report; that in the meantime we have no conclusions to act on, but only the presentation of one side of the case. When the record is in that condition, how could the Senator justify the action of the Senate in refusing to administer the oath?

Mr. BRUCE. The record is in that condition because the Senator from Pennsylvania and his associates chose to interrupt the orderly course of investigation by that special committee, as I am informed, and endeavored to do it, first, by an absolutely indefensible filibuster, which has met, so far as I can see, with the universal condemnation of the country; and then attempted to do it by starving the committee out; and now the Senator from Pennsylvania is here claiming that he is not being given his day in court. If he has not been given his day in court, that fact is chargeable, as I see it, entirely to the Senator from Pennsylvania—he and those who cooperated with him in the VARE controversy.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for another question?

Mr. BRUCE. I will.

Mr. REED of Pennsylvania. If the filibuster last March was a sin, I am answerable for it, with the others who took part in it. If it was the fault of the Democrats that important legislation failed, as the RECORD shows it was, they are answerable for that. But Mr. VARE was not in the Senate, the people of Pennsylvania were not in the Senate, and it is their rights which we are discussing now. If the Senator wants to punish me for my record, the time will come when he can do it, but that is not the question before us now. Will the Senator, as a lawyer, answer this question: Does he feel that on a prima facie showing like this there is any justification for the Senate denying to Pennsylvania temporarily—60 days or 90 days, or whatever it may be—the equal representation which the Constitution guarantees to us?

Mr. BRUCE. First, I would like to say that the State of Pennsylvania was in the Senate. It was here in the person of its two Senators, and therefore it and the people of Pennsylvania are responsible for what those Senators did.

Mr. REED of Pennsylvania. Will the Senator please answer the question I asked him?

Mr. BRUCE. Yes; but I was dealing with one thing at a time. Should Mr. VARE take his seat, I do not know whether the people of Pennsylvania would be represented in this body or not. I shall have to have some more light touching the circumstances surrounding that primary and election in Pennsylvania before I shall be prepared to admit that.

As I understand it, the special committee met and afforded an opportunity to everybody who craved one to present any testimony he pleased. Everybody who wanted a day in court could have had that day in court. As I imagine, all the testimony that could be adduced on either side of the controversy would have been adduced at this very moment but for the obstruction worked by the attitude of the Senator from Pennsylvania and his associates.

Mr. REED of Pennsylvania. The Senator would have liked it better if we had been less efficient.

Mr. BRUCE. Though I do not profess to have any critical degree of familiarity with the testimony in this case—I have

not had an opportunity to analyze it closely enough to make that claim—yet there is enough in the record now, in my opinion, to justify the Senate in reaching the conclusion that the oath should not now be administered to Mr. VARE and that Mr. VARE should not now be allowed to take his seat, though he should be allowed the privilege of bringing forward any further testimony that he may choose to bring forward and even to come upon this floor in his own person to make his plea for his seat.

There is another thing which I hope will be done. I do not know whether it is the intent of the committee to do it or not, but I trust that the general political conditions now prevailing in the city of Philadelphia will be developed by the committee, because I say without any hesitation that those conditions are a disgrace, I trust not an indelible disgrace, but a disgrace to the entire people of the Nation.

Mr. REED of Pennsylvania. Has the Senator ever been in New York?

Mr. BRUCE. Yes, I have; and I have walked the streets of that city with the exultant pride of an American citizen, if for no other reason, because there was a time when it had just such a corrupt government as the city of Philadelphia has, and because its people had the courage, the independence, and the manhood to bring that corrupt government to an end, as the city of Philadelphia has never done. They always kept up the eternal note of protest, and there never was a time, no matter how depraved the political conditions in New York City were, when its noble people did not prove themselves worthy of the heritage of a free people by their unceasing remonstrance against misgovernment and political abuses in every form. Nor do I ever thank God more fervently than I do when I recall the fact that while for many years there was also misgovernment in the city in which I live, Baltimore, fostered not by Republican but by Democratic agencies, I was so fortunate finally as to be one of the instruments, though only an humble one, by which that misgovernment, too, was terminated.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BRUCE. I yield.

Mr. COPELAND. I hesitated to interrupt the Senator, because he had made such a beautiful defense of New York.

Mr. BRUCE. I am earnest and sincere in it.

Mr. COPELAND. But I must in all humiliation say that the Republicans up State are still voting the tombstones, "immortalizing," as Senator CARAWAY says, the Republican voters in that part of the State.

Mr. BRUCE. I did not know that.

To get back to the line of comment I was about to make, nothing is more manifest on the face of the Federal Constitution than the intent of its framers to give Congress the very largest measure of power in determining for itself whether any man who comes to Congress with the credentials of the governor of his State has really been elected or not, or really deserves to hold a seat in Congress or not.

Why, just recall the different provisions of the Federal Constitution in that connection. First of all, it says that the States shall have the power to regulate the times, the places, and the manner of holding election, but that these regulations may be altered by Congress except as to places for the election of Senators. In other words, so far as the time and the manner of holding elections for Congress was concerned, the central Government was by the Federal Constitution given complete residuary control. There is also the provision, of course, that the House and the Senate shall be the sole judges of the elections, the returns, and the qualifications of their Members. There is also the provision bestowing on the two Houses the power to punish any Member of either House for disorderly behavior, and, with the concurrence of two-thirds, to expel a Member.

How, I ask, could the intent of the framers of the Constitution to take practically everything relating to the election of Senators out of the hands of the States, and to lodge them in the hands of the Federal Government, have been more plainly evinced? So what should really be contended for in this debate is not the power of the States over the elections, the returns, and the qualifications of Members of the Senate but the rights and powers of the General Government. The framers of the Constitution thought that it was essential to the dignity, the efficiency, and the usefulness of Congress that no considerable degree of residuary power should be left in the States with respect to the elections, the returns, and the qualifications of Members of Congress in either House.

So I submit that the strict principle of State rights which the Senator from Massachusetts [Mr. GILLET] invoked has no application here. What we should be jealous about in this discussion is not the rights and powers of the States but the rights and powers of the Central Government—that is, the rights and

powers which are essential, as I have said, to the maintenance of the dignity, the efficiency, and the usefulness of the two Houses of Congress. I affirm that every principle of sound reasoning denies the proposition that a State might elect some individual to the United States Senate; and that yet even should the fact be disclosed between the time of his election and the time that he applied for his seat, that he was a thief, there would be no power anywhere—neither in the State itself nor in the Federal Government—to get rid of him.

Mr. SHORTRIDGE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from California?

Mr. BRUCE. Certainly.

Mr. SHORTRIDGE. Am I correct in understanding the Senator to take the position that the Constitution places no limit upon the power of the Senate in passing upon the qualifications of Senators?

Mr. BRUCE. I think practically none.

Mr. SHORTRIDGE. Addressing the Senator as a historian familiar with the formation of the Constitution and with the various steps which were taken and proceedings had in the then original thirteen States to ratify the Constitution, may I ask him whether he thinks that the convention which met in Richmond, Va., for example, in which one of its most distinguished members was Patrick Henry, would have ratified the Constitution if it had been even suggested that the Senate of the United States had unlimited power or jurisdiction to fix and pass upon the qualifications of its Members?

Mr. GLASS. Virginia never would have ratified the Constitution at all if it had followed the advice of Patrick Henry.

Mr. SHORTRIDGE. Of course, that is true; but what would have been done if such a suggestion had ever been made?

Mr. BRUCE. I will say, so far as Patrick Henry was concerned, of course, he opposed the adoption of the Federal Constitution anyway, though happily his great eloquence did not prevail.

However, I say without hesitation that in my opinion James Madison as well as John Marshall, who was also, of course, a member of that Constitutional Convention, would not have hesitated one moment to give their approval to the proposition that, so far as any question relating to the election or return or qualifications of a Senator was concerned, it was the intent of the framers of the Federal Constitution to bestow, for all practical purposes, absolutely unlimited, unconditional power upon the Senate, and, if for no other reason, because otherwise it would have been in the power of the States not simply to have discredited but to have, more or less, brought to shipwreck the operations of the Federal Government.

Mr. SHORTRIDGE. Mr. President, will the Senator from Maryland permit me to make merely a further brief observation?

Mr. BRUCE. Yes.

Mr. SHORTRIDGE. Not now but perhaps on some other occasion I shall undertake to demonstrate to others, if not to convince the learned Senator from Maryland, that as of the time of the meeting of the Virginia convention and of the one in Albany and in each and every of the other 13 States held to consider and pass upon that great instrument, there was not one member in any one of those conventions who ever advanced an argument along the lines of those which the distinguished Senator from Maryland is now presenting.

I will go further, if I may, and undertake to demonstrate that the States as of that time considered themselves absolutely sovereign, and that they had the power, which was admitted on all hands, themselves to choose their Senators, but that they voluntarily limited their power by providing that those whom they should choose should be of a given age, a certain period of citizenship, and an inhabitant of the State. For the moment I wish merely to throw out this thought—that the instrument before them did not create the States; the Federal Government in a sense is the creature, the States the creator; and sovereignty does not rest here in the Senate, but does rest in the people. I therefore confess respectful surprise that learned gentlemen, supposed to inherit the fundamental principles of Jefferson and of Jackson and the long line of great men, their predecessors, will take a position now which I think is in direct hostility and contrary to those fundamental principles entertained by those who framed and adopted the Constitution and which have been adhered to down to this hour.

Mr. BRUCE. I will say to the Senator from California that I am just as much opposed to any undue encroachment by the States upon the rights and powers of the General Government as I am to any undue encroachment by the Federal Government upon the rights and powers of the States. I say that the great

men who framed the Federal Constitution realized that it was essential to the proper workings of Congress that it should be clothed with practically unlimited discretion over every question relating to the elections, returns, and qualifications of its Members.

Mr. SHORTRIDGE. Will the Senator pardon me a further interruption?

Mr. BRUCE. I yield to the Senator.

Mr. SHORTRIDGE. I did not rise to advance my views now; they have been indicated by my vote. I am not thinking of persons. I am not thinking of the individuals who are rapping at this door. I am taking the position I should take if the State of Maryland were rapping at that door, or if Virginia or Georgia, which so quickly and unanimously ratified the great instrument, were rapping at that door. I am thinking of the great quasi-sovereign States of the Union, of my own great State of California; not of these individuals. The Senator from Maryland and I will pass away, but our Nation, we hope, will be immortal; and it can not be unless we preserve the constitutional rights and recognize the quasi-sovereignty of the individual 48 States.

Mr. BRUCE. I will say that no argument for the purposes of this discussion should be suggested by the thought that this extraordinary power of Congress might be abused. So far as that is concerned, it is in the power of the States themselves at any moment, by general concert, to bring the entire Federal Government to an end simply by refusing to send any Members of Congress here at all. The workings of every constitution presuppose the fact that men will be sane enough, patriotic enough, and dutiful enough not to handle the machinery of government in any respect in a perfectly arbitrary, irrational, and tyrannical way.

Mr. KING. Mr. President, will the Senator from Maryland permit an interruption?

Mr. BRUCE. Certainly.

Mr. KING. The Senator from Maryland is always very fair and usually very accurate in any statement which he makes. I think, however, that it has escaped the learned Senator that in the detailed draft of the Constitution as it was submitted to the constitutional convention this provision was submitted:

SEC. 2. The Legislature of the United States shall have authority to establish such uniform qualifications of the Members of each House, with regard to property, as to the said Legislature shall seem expedient.

That was antagonized by Mr. Madison, and his opposition to that and to any provision which would permit the National Legislature to fix the qualifications of any of its Members is stated as follows:

Madison opposed the proposed section 2, Article VI, "as vesting an improper and dangerous power in the Legislature. The qualifications of elector and elected were fundamental articles in a republican government and ought to be fixed by the Constitution. If the Legislature could regulate those of either, it can by degrees subvert the Constitution.

"A republic may be converted into an aristocracy or oligarchy as well by limiting the number capable of being elected as the number authorized to elect. In all cases where the representatives of the people will have a personal interest distinct from that of their constituents there was the same reason for being jealous of them as there was for relying upon them with full confidence when they had a common interest. This was one of the former cases."

If the Senator will pardon me, Mr. Madison insisted that the provision in the Constitution as it left the committee on detail and went to the committee on style committed to the Constitution itself all the qualifications, which were the three to which the Senator has referred. Mr. Madison further insisted that neither the National Legislature nor the States could superadd qualifications or disqualifications to those three which were incorporated into the Constitution of the United States.

Mr. BRUCE. Well, I confess that all that has not recently, at any rate, been brought to my attention, but we must consider that what was said there was said in the light of the particular proposition with which Mr. Madison was dealing. I imagine that he was dealing with the proposition that was made when the convention was pending, that the States should nominate certain persons for the Senate and that then the Senate should make the selections. Is not that true?

Mr. KING. The proposition which the Senator is now discussing had been disposed of anterior to that time. The Senator is right as to that proposition having been made, as well as various other propositions, but they had been eliminated, and the question was then as to whether the qualifications should be fixed in the Constitution, whether they should be left in the States, or whether they should be left to the Senate and the House, respectively. Madison's contention was—and that was

the contention of Mr. Hamilton, as evidenced by repeated statements in the Federalist and also by statements made by Mr. Madison in his signed articles—that the Constitution should fix the qualifications and that the qualification should not be left either to the Senate or to the House.

Mr. BRUCE. Then, under those conditions, who was to have the power to repel or to expel a Senator elect who was deemed unfit to hold a seat in the Senate?

Mr. KING. I do not propose to go into that argument, because it would take too long, but I invite the attention of the Senator—

Mr. BRUCE. The very fact that the Senator can not answer that point—

Mr. KING. I can answer it.

Mr. BRUCE. The very fact that he can not answer that question shows the logical consequences to which he is giving his approval.

Mr. KING. The Senator is drawing an improper deduction from the observation which I made. It would take some little time to go into that discussion, and I did not want to infringe upon the Senator's time; but the point can be answered.

Mr. FLETCHER. Mr. President, I should like to inquire of the Senator from Maryland if the argument or the thought suggested by the Senator from Utah as well as by the Senator from California does not lead to the conclusion that the Senate has no power, if the claim of the Senator elect from Pennsylvania shall be conceded, ever to go any further into the case; that the presentation of the certificate ends the matter, provided the three conditions or qualifications set forth in the Constitution have been met? In other words, if we can not now do what it is proposed to do, it can not be done at all.

Mr. BRUCE. The most that could be done would be to expel, and, as I have already said, Mr. Beck takes the position that no cause for expulsion can exist unless it arises during the course of the term of a Senator.

Now, just a few words more in conclusion. I think it not unlikely that when the entire case of Mr. VARE shall be presented that it will be found to rest on somewhat different questions from the case of Mr. SMITH. So far as Mr. SMITH is concerned, I have never experienced a single impulse of hesitation as to what I should do in his case. I do not profess to be anything more than an ordinarily honorable man. I think that I am that. When I made up my mind to become a candidate for the United States Senate I was the general counsel for the Public Service Commission of Maryland, which is just such a body as that in Illinois of which Mr. SMITH was chairman.

Though the office was eminently agreeable to me in every respect, and my election was by no means a certainty, I felt that it was my duty to resign it, and I did resign. Yet here we have a man so completely lost to every consideration of political and social decency as to continue to act as the chairman of a commission clothed with the power of regulating the rates and working rules of the public-utility corporations of the State of Illinois, and to receive hundreds of thousands of dollars toward his campaign expenses from the head of the public-utility interests of that State!

I will say that the Senator from Nebraska [Mr. NORMAN] simply gave expression to his own manly, brave, incorruptible character when he said that under such circumstances Mr. SMITH was merely a pecuniary investment as a candidate for the Senate.

I want to see the fullest measure of justice dealt out in both cases. I think that the managers of the special committee acted very properly in affording the opportunity to Mr. SMITH and holding out the prospect of an opportunity to Mr. VARE to address any additional testimony that either one of them may choose to offer before that committee, and in giving to each the opportunity to appear upon the floor of the Senate and to make their personal appeals. When the Senate has done that it has done all that could be expected under the circumstances. The idea that when two men are laboring under such grave accusations as Messrs. SMITH and VARE the oath of office should be administered to them, and they should be admitted to their seats before the accusations shall have been disposed of, is, in my judgment, an idea both morally and legally untenable.

Mr. BLEASE. Mr. President, I have been somewhat amused at the statement that if a traitor or a thief or a felon were to present himself at the door of the Senate, the right of the Senate to turn him back would be questioned. I think the Constitution settles that question without the Senate having anything to do with it. The Constitution itself, if I read it aright, disqualifies a man in that situation as a citizen of the United States, and he is not competent to hold any office. Therefore that question would be settled without the Senate having to pass on it at all.

Then I think it rather peculiar that Senators would presume that a State of the American Union, in its part sovereignty—which is all it has to-day—would be so low down, and its citizenship would so disregard the rights of other States, as to elect any such person to come here to the Senate; and I think that alone should settle that question.

Mr. President, I do not care to discuss or debate this matter. I only wish to read into the RECORD South Carolina's position in it.

I have already said all that I care to say in reference to the seating of the Hon. FRANK L. SMITH, Senator elect from the State of Illinois, and the Hon. WILLIAM S. VARE, Senator elect from the State of Pennsylvania; and my position on these matters is well and thoroughly known to the people of the State which I have the honor to represent on the floor of this Senate.

I have absolutely no apology to make for my position, nor for any word or act that I have said or done in reference thereto; but I present in further proof of the strength of my position the senate journal of the State of South Carolina, 1927. On page 1046 of that journal the following will be found:

WEDNESDAY, March 23, 1927.

The Hon. W. C. Hamrick, of Gaffney, senator elect from Cherokee, appeared in the chamber and presented his credentials, which were as follows:

STATE OF SOUTH CAROLINA,
EXECUTIVE DEPARTMENT,
By the Secretary of State.

To the honorable President and Gentlemen of the Senate of South Carolina:

Pursuant to the provisions of law I have the honor to submit herewith a report of the special election held in Cherokee County on Tuesday, March 22, 1927, for the purpose of electing a State senator to fill the unexpired term of the Hon. Richmond Stacy, deceased.

The returns from the county board of canvassers show that there were 1,131 votes cast at the said election, and that of said number—

W. C. Hamrick received.....	535
E. H. De Camp received.....	466
W. D. Kirby received.....	113
Mrs. B. M. Sparks received.....	17

Respectfully submitted,

[SEAL.]

W. P. BLACKWELL,
Secretary of State.

STATE OF SOUTH CAROLINA,
By the Secretary of State.

To W. C. HAMRICK, Gaffney, S. C.:

Whereas, in pursuance of the constitution and the statutes of the State, an election was held on the 22d day of March, A. D. 1927, for Senator for Cherokee County, and upon examination of the returns which have been received and by the determination and declaration of the board of State canvassers, filed in this office, it appears that you, W. C. Hamrick, have been duly elected by the highest number of votes. I do, therefore, by virtue of the power in me vested, certify that you, the said W. C. Hamrick, have been declared duly elected as senator from the county of Cherokee.

Given under my hand and the seal of the State, in Columbia, this 23d day of March, A. D. 1927, and in the one hundred and fifty-first year of the independence of the United States of America.

[SEAL.]

W. P. BLACKWELL,
Secretary of State.

The president read the following telegram to the senate:

GAFFNEY, S. C., March 23.

Lieutenant Governor BUTLER,

Statehouse, Columbia, S. C.:

I hereby protest the seating of Hamrick until the vote is officially counted.

ED. H. DE CAMP.

On motion, the Hon. W. C. Hamrick was presented at the bar of the senate so that the oath of office might be administered by the president.

Mr. McCall addressed the senate as follows:

"My understanding of the power of the senate is that it has absolute control over the legal requirements of its members, to be determined by the process of referring it to the committee on elections, and prima facie, all we have to act upon is the certificate of election which, I understand from the Chair, is in regular order, and on that showing being made he is entitled to be sworn in.

"Both sides have the right to appear here later, and if it is determined he is not entitled to be seated, then the senate decision as to the rights of the parties is the judgment of the senate."

The oath of office was administered to Mr. Hamrick by the president, and thereupon assumed his seat as senator from Cherokee.

Mr. President, when the Senate of the United States was in session, the senate of South Carolina was in session. A member of the State senate died, and an election was ordered to fill that vacancy. The Hon. W. C. Hamrick was elected. His seat was contested by Mr. Ed. H. De Camp, editor of one of the Gaffney papers. He went to Columbia with his attorneys, ready to make a contest before the senate. They requested that Hamrick be not sworn in until this contest or protest was heard. The senate immediately administered to him the oath of office, taking the position that I take here and have taken all along, that they had no jurisdiction of him and no right to hear any contest or protest in reference to him until he was seated. By the way, it was charged in part of those charges that Mr. Hamrick had used too much money in having himself elected to the State senate. Later, the contest was filed.

Mr. President, on page 1270 of the same journal will be found the committee report, as follows:

Committee report

COLUMBIA, S. C., April 6, 1927.

The committee on privileges and elections, to whom was referred the matter of the election of the senator from Cherokee County, respectfully report that they have duly and carefully considered the same, and recommend that the whole matter be referred back to the board of county canvassers for Cherokee County, with the request that said board do canvass the election and certify the result thereof to the senate, sending therewith a copy of the testimony taken at such canvass, and that at such canvass any candidate shall be permitted to be heard in person or by counsel, and that such board take such testimony bearing on said election as they deem necessary.

Senator SUMMERS, for Committee.

On page 1271 of this journal the following resolution appears:

Whereas the committee on privileges and elections, to whom this matter was referred, have recommended that a canvass of said election be had; and

Whereas the senate alone is the judge of the election returns and qualifications of its own members and, therefore, has exclusive jurisdiction of said contest; and

Whereas at the hearing before the committee aforesaid it was announced on behalf of the contestant, and also on behalf of the senator from Cherokee, that a canvass of said election was desired: Therefore be it

Resolved by the senate, That the sergeant at arms of the senate do forthwith procure from the board of canvassers of Cherokee County the original ballot boxes containing the ballots, poll lists, and the election returns at the election held in Cherokee County on March 22, 1927, and deliver the same to the committee on privileges and elections, who shall, with all convenient speed, count the ballots cast at said election and make report thereof to the senate.

This resolution was adopted.

Final action will be found in the report of the committee on privileges and elections on page 1464 of the journal, April 15, 1927:

Report of committee on privileges and elections

The committee on privileges and elections, to whom was referred the matter of the seating of the senator from Cherokee, after a full and complete investigation, report that they have carefully considered the matter and find that the Hon. W. C. Hamrick has been properly seated.

S. J. SUMMERS, for Committee.

On motion of Mr. Williams, the report was adopted and made the judgment of the senate.

Therefore, Mr. President, it is seen that the Senate of South Carolina at their session in 1927 unanimously indorsed my position in toto in the Smith-Vare cases.

I desire to call further attention, however, to the action of the convention of the people of the State of South Carolina, held in city of Charleston, on the 12th day of May, 1788:

STATE OF SOUTH CAROLINA:

In convention of the people of the State of South Carolina by their representatives, held in the city of Charleston on Monday, the 12th day of May and continued by divers adjournments to Friday, the 23d day of May, A. D. 1788, and in the twelfth year of the independence of the United States of America,

The convention having maturely considered the Constitution or form of government reported to Congress by the Convention of Delegates from the United States of America, and submitted to them by a resolution of the legislature of this State passed the 17th and 18th days of February last, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to the people of the said United States and their posterity, do, in the name

and behalf of the people of this State, hereby assent to and ratify the said Constitution.

Done in convention the 23d day of May, A. D. 1788, and of the independence of the United States of America the twelfth.

[SEAL.]

THOMAS PINCKNEY, *President*.

Attest:

[SEAL.]

JOHN SANDFORD DART, *Secretary*.

Immediately following that, in that convention, the following resolution was adopted:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States. This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of the said Constitution.

This convention doth also declare that no section or paragraph of the said Constitution warrants a construction that the States do not retain every power not expressly relinquished by them and vested in the General Government of the Union.

Resolved, That it be a standing instruction to all such delegates as may hereafter be elected to represent this State in the General Government to exert their utmost abilities and influence to effect an alteration of the Constitution conformably to the foregoing resolutions.

Done in convention the 23d day of May, A. D. 1788, and the independence of the United States of America the twelfth.

[SEAL.]

THOMAS PINCKNEY, *President*.

Attest:

[SEAL.]

JOHN SANDFORD DART, *Secretary*.

It will therefore be seen, Mr. President, that the position of South Carolina by her representatives in convention assembled in 1788 and in 1927 is my position in the Smith-Vare cases now and has been all through the controversy; and as their representative, in carrying out the instructions and mandates as heretofore cited, I am but obeying the will of my people and advocating that for which all of them have ever stood.

I noticed in the Washington Post of this morning, December 8, 1927, a little editorial which I want to read. It is headed:

ILLINOIS LOSES ITS RIGHTS

Fifty Senators voted yesterday to exclude the Senator elect from Illinois. As only 32 Senators voted to seat him, the action of the 50 becomes the action of the Senate. The Senate temporarily denies to Illinois its equal representation in the Senate.

The State of Illinois can be permanently deprived of its two Senators with as much justice as it can be deprived of them for one hour.

No State in the Union can be sure hereafter that it will be represented in the Senate by two men of its own choice.

The inquiry into the Smith case will proceed, with one of the States of the Union unable to exert its equal powers in the making of laws and treaties. During the inquiry the Nation's business is to be transacted, but Illinois will have less than a State's right to participate in the business. All other States will have two votes to Illinois's one.

The Senator elect from Illinois has been granted the privilege of appearing as a private citizen, without a Senator's rights or powers, to plead for the seat to which he is entitled. Having convicted him in advance, the Senate will now consider the evidence in his case. Mr. SMITH should stand upon his rights as a Senator elect and should refuse to enter the Senate Chamber except upon his way to take the oath.

The State of Illinois is not required by the Constitution to ask permission of the Senate to admit its Senators.

Evidently, a majority of Senators stand ready to exclude the Senator elect from Pennsylvania also. Very well; if Senators already seated can exclude one Senator elect they can exclude all newcomers.

Ignorance, cowardice, and partisanship have combined to commit the United States Senate to a violation of the Constitution. It is a melancholy exhibition of the Senate's rapid degeneracy during the last few years. Apparently very few of the clear thinkers in that body gave any consideration whatever to their constitutional duty in this matter. The whole Senate is tainted by the action of a little more than half of its membership.

If a town council or a county board of supervisors should convict one of its members first and then provide for trying him afterwards it would make itself a subject of ridicule and contempt. But no town council or board of supervisors has made such a blunder. Only the Senate of the United States has done so.

Mr. President, I object to the words "The whole Senate is tainted by the action of a little more than half its membership." No act of any man or set of men anywhere can cause another

to be tainted unless he be a party to that act. For instance, Mr. President, I do not think the other Disciples were tainted because Judas Iscariot took 30 pieces of silver. It reminds me of a little incident down in my State. We had a man for governor who was very much opposed to lynching, and he said he was going to stop it. On one occasion they were fixing to perform that ceremony on a negro who had assaulted a white woman. The governor found it out and jumped in his automobile and rushed to the scene just as fast as he could go. When he got there he found a crowd and also the victim. He got up and made a beautiful speech, a wonderful speech, and just as he was about two-thirds through one of his great friends who was standing looking up at him said, "Hurry up, Governor. You are making a beautiful speech, but we want to lynch this nigger and get back to our work." They proceeded to carry out the job. I do not think that the people who were there taking no part in the lynching were responsible, and I do not think this paper ought to charge us who voted the other way on this question as being tainted with what somebody else did.

Mr. President, an hour ago I walked across the rotunda of the Capitol and I saw the American flag drawn back from the statue of the vice president of the southern Confederacy, Alexander Hamilton Stephens. I could not help wondering if Alexander H. Stephens were sitting in this Chamber instead of out there in marble what he and Robert E. Lee and Stonewall Jackson and the thousands of Confederate soldiers who followed the leadership of Jefferson Davis and others, and who stood with their breasts bared to the bullets and the bayonets of the enemy—now our friends, I am glad to say—would say if they could see the sons and grandsons of Confederate soldiers sitting on the floor of the United States Senate and voting to deprive a State of the Union of its constitutional right to have two representatives on the floor of this body.

Mr. President, I may possibly be wrong. I am not censuring any man for his vote on this question. It does not make any difference to me personally whether you seat these gentlemen or not; it does not affect my seat. I am already in, and it would take two-thirds to put me out of the Senate. But I am interested in South Carolina. I am interested in the State of the American Union that first seceded from it. I am interested in the State which passed the acts of nullification, and I am interested in the future Senators elect who will come to the door of this Chamber from the State of South Carolina and may be told that they shall not enter. And on what grounds?

It has been said by the distinguished Senator from Idaho [Mr. BORAH] that the Senate has a right to regulate primary elections for the nomination of Senators to this body. It has been hinted by the Senator from Pennsylvania [Mr. REED] that that will be done. When a South Carolinian comes to the door of this Chamber and a Republican comes by his side and says, "I contest this man's seat because he deliberately kept the colored people from voting at the ballot box," I ask the Senate if they are going to stand him outside there, as they are doing SMITH and VARE, and investigate whether that is true or not? If they do, some people may not get in here. Some may be here now who would not be here if every man 21 years of age who could read and write the constitution of his State and paid his taxes had been allowed to cast his vote, even though his skin were black. Is that question to come back here and haunt the Senate again? Is the black cloud again to rise? Is that what is meant by the statement that primary elections can be regulated? Is that what is meant by the statement that primary elections will be so regulated? Then I ask some gentlemen what their votes will be when a South Carolina Senator comes here and is stopped at the door because of my State's noncompliance with the fourteenth amendment to the Constitution of the United States?

As I have said, personally I do not care what you do, but it is laying down a very dangerous precedent. I still maintain that these two gentlemen should have been sworn in. I shall ever so contend. I maintain that when they were sworn in, if there was a protest or a charge of dishonesty or a charge of wrongdoing, that question should be tried as the Brookhart matter was tried; it should be tried as other cases have been tried and then should be turned out of the Senate if corruption were proven; and I will vote to put both of them out if it can be proven to me that they have spent one dollar to corrupt the ballot box.

Illinois knew all about FRANK SMITH, and they elected him. I presume Pennsylvania knew all about Mr. VARE, and they elected him. But surely no man would stand on this floor and say that the only places in the world where there are corrupt elections are Pennsylvania and Illinois. Surely no man will stand on the floor of the Senate and say he came here without him or his friends spending money. If he did, he must have come in the darkness of the night, and Senators know it.

How much did Mr. Pepper spend? I sought to get that information, but I never could get it. How much was spent by the combination that tried to beat VARE?

Mr. REED of Missouri. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Missouri?

Mr. BLEASE. Certainly.

Mr. REED of Missouri. The Senator has neglected to read the report of the committee. That information is given there. But I do not want to interrupt the Senator.

Mr. BLEASE. I want the figures, and I want to ask the Senator a question.

Mr. REED of Missouri. I am sure the Senator wants to get the matter correct.

Mr. BLEASE. I want to have in the RECORD a statement of what VARE spent, and what was spent to beat him.

Mr. REED of Missouri. The Pepper-Fisher expenditures, excluding the expenditures that were exclusively for Fisher, were \$1,804,979. That is stated in the report.

Mr. BLEASE. I thank the Senator. Mr. VARE, I think, claims he spent about \$600,000. Yet you are going to kick VARE out of the door, a man who spent only \$600,000, and let a man appoint his successor who admits he spent over a million to get to be governor of his State. Where is the honesty in that? It is proposed to throw one man out for spending \$600,000, and say to a man who spent a million and more in a conglomerated pot, you might say, like a poker pot, mixed up with dimes and nickels and quarters, "You are more corrupt than this other man, you spent more money than he did, your gang got you in, but we are going to put out a man spending less money, and give you, the man who spent more to corrupt the ballots of Pennsylvania, the power to appoint his successor." Is that consistent?

Mr. REED of Missouri. Will the Senator pardon just another interruption, to enable me to give him the figures accurately? I do not care to discuss the matter or to interrupt the thread of his statement.

Mr. BLEASE. I am practically through. I am glad to have the information.

Mr. REED of Missouri. The committee report states that the VARE-Beidleman combination spent \$785,934. It is fair to say, however, that \$105,464 of that amount was expended by a separate committee, operating particularly in the interest of Mr. Beidleman. But the evidence very clearly discloses that what helped one of these gentlemen pretty much helped the other. They were running together—in pairs.

Mr. BLEASE. That is what I understood.

Mr. REED of Missouri. The Senator stated it had not been made known by the committee. It is all very plainly stated in this report.

Mr. BLEASE. I am glad the Senator gave me the information. That does not change my position at all.

Mr. REED of Missouri. I am not saying that it does.

Mr. BLEASE. The man who is going to appoint this man's successor spent more money to corrupt the voters of Pennsylvania than he did.

Mr. REED of Missouri. That is not the statement I am controverting.

Mr. BLEASE. I know; but that is the statement of the figures there.

Mr. REED of Missouri. I did not want the Senator to let go into the RECORD the statement that the committee had not disclosed to the Senate the facts.

Mr. BLEASE. Oh, no. I offered a resolution here at the last session asking for the Pepper statement, but never got it. I did not say that the committee tried to withhold anything. I do not charge them with that.

So far as Mr. VARE's certificate is concerned, I do not know anything about Mr. Pinchot, but I was told by my daddy when I was a little boy that it was a mighty dirty bird that would befool its own nest.

Mr. HEFLIN. Mr. President, we have had some rather strange arguments advanced in the Senate in the consideration of these two cases, some Senators holding that if these Senators elect are once seated, it will require two-thirds of the Senate to get rid of them, others holding that the Senate can by a majority of the Members remove them from this Chamber. If it is true that it requires a two-thirds majority, those who voted to seat them temporarily are hiding behind a screen, because it would be perhaps hard to get a two-thirds majority to remove them, and if we should fail to get the two-thirds majority those who vote to seat them temporarily will, in effect and in fact, have voted to give them a seat permanently.

I think that the Senate ought to set a precedent for all the States of the Union that no person who comes seeking membership in this body will be admitted at all unless he comes with clean hands. If he buys his seat in the Senate as one would

buy a seat on a stock exchange, it is the duty of honest men in this body to reject him. Why should we respect such a certificate in the outset, born in corruption, brought forth in iniquity, and presented here by those who place the stress and emphasis upon money rather than upon manhood and merit of the candidate in the various States of the Union?

I do not think that we are surrendering any State rights when we undertake to protect and preserve the good name, honor, and integrity of the Senate. I am a State rights Democrat. The States themselves agreed that this body should determine who should be admitted to membership here. The States themselves select a candidate and elect him, but they clothe this body with authority to say whether or not he should be accepted as a Member when he gets here. The Constitution makes it the duty of the Senate to determine that question. If we have found that the man whom they sent here is not a suitable person, is an unfit person to have a seat in this body, we reject him and the State straightway selects another. If the State selects one who is clean and honest and whose certificate is free from fraud and corruption, he will be accepted. There never has been any question about that.

Mr. President, this is the gravest occasion that has been presented to the Senate during my service of some 20 years in the Capitol. I recall when this body, for good reasons, rejected Clark, of Montana, a Democrat, and Lorimer, of Illinois, a Republican, who bought his seat in this body, and when Newberry, Republican, of Michigan, who spent about \$200,000 in the purchase of his seat, was finally gotten rid of. But this is the first time in the history of this body, so far as I know, where two men seeking admission to the Senate were on trial at the same time for corrupting the ballot in their States and buying Senate seats on the auction block.

The Senator from Pennsylvania told us that one-tenth of the population of the whole country lives in the State of Pennsylvania. I remarked to some of my colleagues yesterday that they were corrupting a larger portion of the whole population than I had thought prior to that time. Ten per cent of the people of the whole country have been injuriously affected by that election. Illinois, another great State, stands shamed and humiliated because of the political corruptionist. There sleep the remains of the immortal Lincoln, who proclaimed it to the world that he stood for the doctrine which places the man above the dollar. That doctrine has been reversed in Illinois, and the dollar has been placed above the citizen. Out in Illinois they select a man for the Senate by the sheer use of money at the polls. And over in Pennsylvania \$1,800,000 was spent by one group of candidates for State offices and one candidate for the United States Senate. Think of that, Senators!

It is our business as Senators to safeguard the interests of the Republic. If we fail to do that, we are unworthy to be in this body. Personal feelings and considerations do not enter into this matter with me.

I am very fond of the gentleman from Pennsylvania [Mr. VARE]. I served with him in the House, and I also served there with Mr. SMITH. But personal likes and dislikes should not be considered in a case like this. Our duty to our country should determine our course. There are two groups of people in this country now and at this very hour they are arrayed on opposing sides in a great battle. One of those groups is fighting to keep the ballot clean, is fighting to keep the corruptionists away from the ballot box, which is the Ark of the Covenant in our civic affairs, fighting to keep the senatorial toga off the auction block. The other group is fighting to beat back the senatorial candidates of moderate means and to set aside the senatorial offices as the political preserves of men of great wealth. They want the dollar to become the main thing, the all-powerful thing in senatorial elections.

The Senator from Massachusetts [Mr. GILLET] has indirectly laid down that doctrine here to-day. He said the time has come when it requires a great deal of money to be a candidate for office and that a man should not be criticized for spending vast sums to get his cause before the people. Why, Senators, that is one of the things we are worried about here to-day. If we are going to say that that doctrine is sound, then the rich man can open his barrel, as was done in Illinois and Pennsylvania, and go out and buy a seat in the Senate. If we permit a man to use all the money he pleases to send out vast amounts of literature, to hire men at the various polling places in the State, each candidate, if he had it, could spend a million dollars or more, and it would be said it was all right, according to the standard set up to-day by the Senator from Massachusetts. Let me analyze his position a moment.

Suppose a rich man who relies on his money to elect him enters the race for the United States Senate. A poor man of merit, capable, of high character, popular, a man known to be one of sound principles and a friend of constitutional govern-

ment, likewise enters the race and is assailed by the rich man. He is attacked in paid advertising matter in a half dozen big dailies in the State. The poor candidate comes forward and says, "There is no truth in those charges. They are false." His friends say, "But you must answer his charges." "How am I going to answer them?" "Answer them in the newspapers, where he made them." When he goes to ask what it will cost, he is told that it will cost him \$500 a page. He says, "I am a poor man and not able to pay it." Thus we can see in what sort of a fix the poor man would be if the rich man can spend all he pleases to spend in a senatorial election. His friends say to him, "You had better get out of the race. You are not able to go through such a campaign with this man because he has too much money."

So it is proposed to drive men and women of merit out of politics. It is proposed to put the stress and emphasis on money, and money is to become the dominating thing in the politics of the country. Do we want to see that done, Senators? Is it safe for the country to permit it to be done?

The time was when the people asked of a candidate, is he capable, is he honest, is he trustworthy? But now the corruptionists ask, How much money has he got? The booblers who gather about the polling places want to know how much money he has. More and more people who do not think very much about these things are being encouraged to sell themselves like sheep in the market place to the man who wants to buy a seat in the Senate. Some people do not know why they want seats here. It is our duty to tell them. They want these seats because they have power here to enact laws which give to big favor-seeking corporations the advantages which they want over the people whom they wish to pillage and plunder. They want seats in this body because it enables them to get more completely control of the national Government. God knows they are making inroads upon it fast enough; ways other than buying seats in the Senate.

I heard somebody say yesterday, "I am so sorry for SMITH and VARE." But we are not trying these cases on our sympathies. The Senator from Pennsylvania [Mr. REED] told us yesterday about how beneficent and kind and fine Mr. Vare had been in various ways; that he had some of the Senators almost in tears over what a great outrage was about to be perpetrated on Mr. VARE, and his friend wore an expression of injured innocence. It reminded me of a story about a lawyer in my State, St. John, of Cullman, Ala. He went home one afternoon about dark and found that Mrs. St. John had the 6-year-old boy standing up in the corner delivering a lecture to him about some of his misconduct. St. John came in and said, "Mama, I wouldn't scold that boy. He is the best boy in town." The boy, looking very innocent, looked up at his father. St. John said, "He came over to my office to-day and got my mail and opened it for me." The boy was deeply touched; he commenced to pucker up his lips as if he were about to cry. St. John, continuing, said: "I heard him humming a religious tune this morning." The little fellow could not stand it any longer. He interrupted his father to say, "And I am going to be baptized soon." [Laughter.] One would think that these two gentlemen seeking admission to the Senate were ready to be translated and borne away on angel wings to their immortal homes. [Laughter.]

The Senator from Arkansas [Mr. CARAWAY] this morning stated that Pennsylvania was the only State that could confer immortality on the citizen, that if a man ever got on the Republican poll list in Pennsylvania he never died. It is said that all they want in Philadelphia is a name. On one occasion they asked a negro if anybody else lived in his house. He said, "No, sir; nobody but my dog Tige." "Tige who?" "Tige Johnson." They said, "Put him down and vote him." [Laughter.]

So, Mr. President, when election cases from these two great States, Illinois and Pennsylvania—two of the very greatest States in the Union—are here for consideration in this body at one and the same moment, is it not high time that Senators were waking up? Senators have a duty to perform. Our fathers achieved our liberty. It is up to us to preserve it. We can not preserve it by permitting anybody, be he Democrat or Republican, to corrupt the voter in his State, make barter of the ballot, and buy seats in the United States Senate.

There ought not to be any difference of opinion on this question in this body; there ought not to be any politics in a question like this. Each side should vie with the other to see which could go quickest to the rescue of American institutions at a time like this.

Senators, we are going to do one of two things about this matter: We are going to sustain the doctrine of clean and honest elections or we are going to yield and surrender to the forces of corruption in politics. That is the issue involved in the cases

before us. On which side do you stand in this critical hour? That is the question that I put to every Senator in this body.

The able Senator from Nebraska [Mr. NORRIS] told us that \$3,000,000 was spent in Pennsylvania and Illinois in the elections of 1926. Think of that, Senators! That amount of money would pay the salaries of two United States Senators for 150 years, and yet the "interests" in those States think enough of two seats in this body to go out and spend \$3,000,000 in political battles in two States to obtain two seats in the Senate of the United States. They must think that they would be worth a lot to them in six years' time.

It is not the honor, then, that they are after; it is not the matter of trying to elect some friend. Senators, it is high time that this body was reconsecrating itself to the highest and best interests of our country. Special interests are anxious to get their agents into this body; they are anxious to get them into the other House of Congress. They are so anxious to do so that they have bought newspapers to poison public sentiment, and they help the cause of the corruptionist along. They have not stopped with that, but now they have invaded the sacred precincts of the ballot box itself and stand there with their bags of gold. They are putting prices on the heads of those who wield the ballot, the mightiest weapon known to a free man, a weapon with which this Government is to be preserved or by the corrupt use of which this Government is to perish. Senators, more governments have perished from corruption from within than have by armies from without. It is easy to get some men to fight for their country in time of war, but it is hard to arouse them to the importance and necessity of fighting in time of peace to preserve free institutions.

I say this with all kindness to Senators here who do not agree with me; but some of them seem so careless and indifferent about this very important question; they do not seem to realize the importance of the great fight that is before us. They do not seem to realize that we have got to win this fight or surrender to the corrupt money bunds of America. There can be no compromise with the forces of corruption. We have got to fight to the bitter end and rout these forces; expel them from the Capitol and thus destroy this corrupt power in the States or surrender to them and tell them to carry on their work of destruction until this Government shall totter and fall. That is the situation with which we are confronted.

The Washington Post, which is Ned McLean's paper, discusses this matter editorially. Think of Ned McLean, with his Fall and Doheny record, lecturing the Senate of the United States! He has a very short memory or a very thick hide. Senators will recall that he admitted that he had told falsehoods about furnishing Fall the money that he really got from Doheny to betray his trust and his country, to barter the oil reserves of the Nation. Ned was mixed up in that scandal very deeply and he came out stained and soiled all over. Now he undertakes to lecture the Senate, and says the Senate has disgraced itself by voting to protect itself and the country from the forces of political corruption in the States of Illinois and Pennsylvania.

Mr. President, do not the facts show us how determined the "interests" are to continue to buy seats in this body? They were not satisfied; it did not make much impression on them when the Senate got rid of Clark, of Montana; they were not taught anything, it seems, when Lorimer was put out of this Chamber; it seems that they derived no lesson from our action with regard to Newberry. They come now with twin evils—two States at a time. They are worse now than ever before. The State of Pennsylvania comes with a candidate whose certificate the governor of the State says was procured through fraud and corruption. They stole part of it, he said, and bought the other part. Still the editor of the Washington Post tells us that we have disgraced ourselves by voting to keep out of the Senate the man who comes here as the result of fearful conditions described by the governor of the State.

In Illinois Mr. Insull, the great hydroelectric power magnate, puts up money by the thousands and hundreds of thousands of dollars for Mr. SMITH, who was chairman of the commission which regulated the charges for light and power in Chicago and throughout Illinois. Those charges were raised, we are told, and Mr. Insull got the benefit of the increased price, and therefore had more money to contribute to Mr. SMITH, who remained chairman of that commission rendering service to his benefactor and his benefactor helping his friend, whom he expected to be his agent or friendly instrumentality in the Senate of the United States.

Thousands and hundreds of thousands of dollars were contributed in that way, and Mr. Insull, when called before a committee of this body, declined to tell what he knew. This arrogant and pompous representative of the money trust of America folded his arms and said, "I decline to answer." He defied this

body—the constituted authority of the Nation—refused to tell the truth as he knew it, and we have not obtained it to this day; yet we secured enough admissions to know that they spent \$800,000 or more to procure for themselves a seat in this Chamber.

Mr. President, I repeat what I said at the outset that when a man comes here he must come with clean hands. We rejected Mr. SMITH last winter. When Mr. McKinley died the Governor of Illinois, who himself had been indicted and was accused by people throughout his State of being an improper man to be in that office, appointed Mr. SMITH. They thought they would turn a trick on the Senate.

They said the Senate is bound to accept him now, because the contest over the election will not come up until after the 4th of March. They can not go into that until the term for which he is elected begins. So they said, "We will slip him down there and they will keep him, and after the 4th of March, if they try to put him out, the country will laugh at them and say, 'If he was good enough to serve under an appointment, he is good enough to serve under the certificate of election.'" The Senate, however, properly asked, in effect, "Are you the same SMITH who ran in the primary? You are the same man for whom they spent nearly a million dollars? You are the man against whom charges have been filed which a committee has investigated and has about recommended that you are not entitled to a seat? The same man. And now you come under the appointment of a governor, and you think you will get in? Well, you will not be admitted." I voted to stop him at the door then, and I have no apology to make for my vote. I voted to halt him at the door on yesterday, and I have no apology to make for that vote. As for me and my vote, so long as I am a Member of this body I am going to fight to the last the corruptionists of every State in the Union. I am not going to vote to seat a man for whose election barrels of money have been spent and who, if seated, will help to make laws for my State and the other States of the Union.

This is more than a State question. The other States are vitally interested. Senators from Illinois and Pennsylvania vote on laws for Arizona, Alabama, New York, New Hampshire, and all the other States of the Union. So the people in all those States are interested. We who sit in this body are the judges as to who shall come here and occupy seats, and when a citizen comes properly clothed and comes with clean hands nobody asks any questions. Even if he has an ordinary contest on his hands he is sworn in and takes his seat and the contest is then proceeded with. But, Mr. President, I submit that these are exceptional cases, extraordinary cases; and methods have been used to procure seats here that ought to be frowned on and condemned by this body as a whole. We ought to teach a lesson to the corruptionists of other States. They must be made to know that certificates of election to the Senate will not be accepted unless they are free from fraud and corruption. I will tell you one thing that has happened already as a result of the challenge of Mr. SMITH's right to a seat here. I understand that Mr. Insull, out in Illinois, has said, "I am not going to give a dollar to anybody's senatorial campaign in the future." They said, "Why?" He said, "Well, it does not do any good. They will not seat him even if we put him over."

That is the lesson we are trying to teach them. That is the thought that we should get into their heads. That is the thing we ought to make plain to all of them. When they go around and say, "You give me money and I can win this race," the answer will be, "No; you will have to win on your merits. You will have to consult the people whose Government this is. If they want to vote for you, all right. I think you are a fair man, and I believe you would do justice by our interests, as you would by everybody else's interests. I do not ask for any special favors. I should be glad to see you elected, because I think you are a fair man and a capable man."

That is what we want, Mr. President. We do not want these men to go with their hats in their hands to these big moneyed interests and gather up shekels from them and go out to make their campaigns for election to the Senate. It is humiliating to the citizen; it is dangerous to the body politic, because when you carry on a campaign like that you induce the citizen to sell himself; and I want to tell you another thing: The man who will buy a seat in this body will sell it in more ways than one. There is no question about that. Whenever they buy a seat in this body they know that they are going to get value received, at least, and sometimes a hundredfold more, or they would not make the investment at the outset.

I hold no prejudice against capital. It is necessary. It is a valuable thing to have in our country. I wish it well in all of its legitimate endeavors; but I do not want capital to control the country. I do not want capital to become the domi-

nating thing in my country. I want capital to stand on the level with every other interest and let them all say, "The only interest I have in the selection of a Senator is that I want one who is big enough and broad enough and honest enough and just enough to give me fair treatment. That is all I ask. I want a Senator who believes in sound principles, who is capable, and who will support and sustain to the best of his ability this great Government of ours."

But, Senators, they are getting away from that. They want to put all that in the background now; and they want to say, as they said in the Newberry case, "How much will it take to put it over?" They told them, and they put up the money; and John Newberry said he spent it, and his brother did not know it; and some Senators voted to keep Newberry in here because, they said, he did not know. The Senator from Arkansas [Mr. CARAWAY] pointed out this morning that Mr. SMITH of Illinois voted to unseat Mr. McLane, of Pennsylvania, because somebody without his knowledge spent \$3,000 more than they thought they ought to have spent, and that he only spent \$700 in all himself; and Mr. SMITH of Illinois voted to turn him out. Now, however, he comes up with about \$800,000 piled up around him; and still they say we ought to bring these men in and put the purple robes on them, and sit them down on the front seats, and spread a feast, and let them enjoy themselves and be happy for a time before we execute or excuse them. [Laughter.]

Mr. President, I am in favor of operating on them before we go to all that trouble. They ought to have thought of all this before, as the judge said to the criminal who stood in front of him:

"Stand up! What have you to say why the sentence of the law should not be pronounced upon you?"

"Well, judge," he said, "life is a precious thing. I hate to give it up. I hate to leave my wife and children behind. I hate to die. If there is any way for you to get around it, Judge, I wish you would do it. It would please me more than I can tell you. You do not know how sorry I am for all that I have done."

"Yes; yes," the old judge said, as he stroked his whiskers. "You ought to have thought of all that before you killed that man, murdered him in cold blood and deprived his wife of her husband, and his children of their father, and left them alone in the world with nothing to subsist upon. You should have thought of all that when you were doing the thing that brings you where you are to-day."

I commend that story to the gentlemen whose seats are being relieved of them. They ought to have thought of that when they went out into the sacred precincts of the American ballot box and held a poor man up who was hard pressed to get money to pay his rent, and asked him to betray his country and disgrace himself and sell himself on the auction block, and he halted and hesitated for a time, and they said, "Here is \$10. You are a poor man. Go ahead and vote this ticket"; and he walked up with a lump in his throat and a tear in his eye and sold himself at the altar place of his country; and the minions of mammon laughed as they dragged that citizen down into the political mire of those who betray their country for a price.

They who go to the ballot box and station their emissaries about it with their money, clinking their dollars and dimes, and inviting these people that they have oppressed in the common walks of life, where they have made it hard for them to live, and say, "You people have not got anything much. You are having a hard time. Why not make some money out of this? What do you care about it? Get in the game. Here is \$10"; and some come up and accept it. The man who corrupts the voter is a public enemy. These corruptionists who care nothing for the temple of liberty in America, who care nothing for constitutional government in the United States. They will betray it, weaken it, and sell it to increase their riches. Greed and avarice unbridled, unchecked, is rampant around many of the polling places of this Republic, and the honest men in this body have it in their power to stop it, to put an end to it, to be done with it. We are either going to do that or we are going to accept the standards of the Newberrys and the Lorimers and the Clarks and the group back of the two gentlemen who stand here knocking at the door of the Senate to-day and permit the work of destruction to go on.

The Senator from Massachusetts [Mr. GILLET] in effect has laid down the doctrine that money becomes the paramount thing.

You have got to advertise more, and keep on advertising. Then, according to his position, there should be no limit to the campaign fund that a candidate should spend. He laid down that doctrine. When he laid it down he said to the American people, "Those who have money in abundance can get these places. Those who can not advertise can not get them. Only the rich can run for these places. Only the rich can be elected to the Senate. Only men of great wealth can reach the position of United States Senator."

They want to make money the dominating thing in American politics.

Money, money, money! Remember Thomas Moore's poem on corruption and intolerance:

Like Jove of old
They have turned their thunder into showers of gold,
Whose silent courtship wins securer joys,
Taints by degrees, and ruins without noise.

That is what they have done in Illinois and Pennsylvania.

Mr. President, in other days these enemies of clean and honest government moved around with dark lanterns, but they have become very bold in recent years. They have thrown aside their dark lanterns and now they dare to come boldly to the Capital of the Nation and employ learned lawyers to write their briefs and make their arguments and send them free to Senators in book form to influence them to sanction the sale of seats in the Senate. No longer do they proceed by dark-lantern methods. They are bold and defiant now. They write their checks. Insull gives his check for \$25,000, \$50,000, \$75,000, and so on, into the hundreds of thousands, and the same thing goes on with these men in Pennsylvania; and when you catch them in the act they say, "Why, yes; we spent this money. What of it?" They throw out their chests and swell up in their imaginary importance when they should hang their heads and hide their faces.

Senators, are we who speak for the people of the various States going to permit this sort of thing to continue? Are we going to encourage or condone those who have been guilty of procuring votes in senatorial elections by the corrupt use of money?

The Senator from Massachusetts admitted to us that the people want SMITH and VARE kept out of the Senate. He said: "I am sorry for the Senators who have to run next year if they vote against this resolution." That is what he said. He was admitting that the people wanted them stopped at the door. We are a Government of the people, and he was admitting that we were carrying out the wishes of the people. Then we are doing what the Constitution gives us the right to do and authorizes us to do—to say who shall come in here and occupy seats and make laws for the people of every State in the Union. These two cases are not on the same footing with the ordinary one where a Senator presents himself for admission and objection is had because of some irregularity in his credentials, and so forth. The fraud and corruption in the primary election of both of these gentlemen were so pronounced and offensive that the Senate appointed a committee of Senators to investigate and report the facts to the Senate, and the committee did so. The facts substantially as reported by the Senate committee to the Senate are not denied, and in the face of those undisputed facts the Senate is justified in refusing them admission.

We are here to protect the honor and integrity of this body, to safeguard the rights and interests of the American people, and to keep this place clean and free from the corruptionist in politics. These are the things that should concern us to-day.

The Senator from Connecticut said the Senate could remove the President, could remove Supreme Court judges, could remove the Vice President, and that is true, and yet they come in here and scold the Senate for refusing to admit to membership men whose credentials are badly tainted with fraud and corruption. The Senate, that can impeach the President of the United States, ought certainly to keep the Senate clean and trustworthy. Candidates for the Senate from all political parties must be made to understand that the candidate for the Senate who corrupts the voter and obtains election through fraud and corruption, as these men did, will not be admitted to membership here. But some of the Senators on the other side tell us that we are denying a State representation in the Senate. We are not doing anything of the kind. We are trying the case of men seeking admission to the Senate, and as soon as we are through with them the Governors of Illinois and Pennsylvania will have the opportunity to appoint another Senator from each of those States, and if the governor appoints one who can come with clean certificate there will be no objection to him at the bar of the Senate.

But what has happened with Illinois? The governor of that State undertook to force Mr. SMITH down the throat of the Senate, and the Senate refused to let him do it. The governor said, "If you do not take this man, I will not send you another"; so the Governor of Illinois, not the Senate, deprived his State of representation in this body during that brief time.

When this body made known its reasons for refusing the credentials of Mr. SMITH the governor should have said, "They have exercised their constitutional right; there is nothing for me to do but to select another," and he should have done so.

I do not think anybody will take the position that the Senate should be coerced by the governor of that State. The Senate has its own rights under the Constitution, and the States have their rights. The State selects the candidate, as I said before, but it owes it to the people of the State and owes it to the Nation to select one with clean hands, not one whose position has been bought for him at the polling places of the State. We must make that plain to them all, and the sooner we do it the better.

Take the State of Pennsylvania again, a State with 67 counties, a rock-ribbed Republican State. My recollection is that Roosevelt carried it by 500,000 majority in 1904. It is known as a rock-ribbed Republican State. Yet William B. Wilson, a Democrat and a poor man, carried 55 counties of the 67 counties, and reached Philadelphia with a clear majority of 60,000 votes. The only counties that he lost were those counties where they had the padded poll lists and where the Senator from Arkansas [Mr. CARAWAY] says they confer immortality on the citizen. Once on the poll list, they live on and on, for all voting purposes. They continue to vote them after they are dead. Republicans and Democrats alike repudiated the VARE machine and voted for Wilson, a poor but an honest man. It is time this body was teaching a lesson to those who have made money the paramount thing in the politics of our country.

The Senator from Massachusetts said:

When I was a young man I used to hear about corrupting voters, but we do not hear of that any more.

Mr. President, it has become so common under Republican rule in some of the States that it is no longer interesting table talk. Among some Republicans they accept it as a matter of course. Money to control elections! The Senator says he does not hear of it much now. Oh, Mr. President, there is plenty of it in these two cases. There are more ways of corrupting voters than one. One way is to offer them so much money to vote the ticket; and then there is another way, hiring them with liberal pay to become watchers, or to take part in other ways in the campaign, to draw them into their political net and tie them hard and fast. The man who does not have plenty of money can not employ high-priced watchers like they have in Pennsylvania. The man who does not have a lot of money can not give employment to political grafters. A poor man who does not believe in appealing to the power of the purse, but who appeals to the judgment and conscience of the voters, must stand by and see voters influenced and controlled by money directly and indirectly paid for votes.

Mr. President, that brings me back to the proposition that we have got to surrender to these miserable forces or whip them and rout them completely. For instance, take a newspaper in my State, the Birmingham News, which has been attacking me in editorials and otherwise, misrepresenting and slandering me since I opposed the Mexican war program of the Roman Catholic hierarchy. I wanted to print a statement in reply to some of their attacks, and the Birmingham News wired me that it would cost me \$4 an inch. Think of that—\$4 an inch to state the truth regarding their slanderous and villainous attacks upon me.

What is a poor man going to do with an unprincipled bunch like that, unless he is already in public life, as I am, and the people of his State know him and understand him and support him, as they do me. I went over my State, and every place I spoke the audience, by a vote of 98 per cent of those present, passed a resolution condemning and repudiating that paper and endorsing me. In the city of Birmingham, where the Birmingham News is published, I addressed an audience of 7,000 people in the city auditorium, and there the whole audience, by a rising vote, passed that resolution. Carry your fight to the people in person. That is the thing to do. You can buy some newspapers now, just as you can buy a pig at the butcher's shop, and you can buy the editorial pages of some of them now just as you can buy space for advertising purposes. This is another evil that must be checked.

Three-fourths of the press of the country is owned or subsidized by selfish and sordid interests. These interests are getting a stranglehold on the Associated Press's throat right here at the Capitol. Mussolini, the dangerous Italian tyrant, has an agent right here at the Capital in touch with the Associated Press who looks out for his interests, and they are giving Mussolini more favorable publicity in the press of the United States, together with the Fascist societies, than they are the whole membership of the United States Senate.

The sinister interests are letting their money talk in many ways. It is getting hold of these instrumentalities in our Nation. I repeat, in conclusion, that it has invaded the ballot box and corrupted the voter. Many of the newspapers suppress the

truth. They will not let it reach the country through their columns. They are making money the all-powerful thing, so that they can lay the candidacy of the rich man before the people and keep that of the poor man away from the people.

Now they march boldly and brazenly upon the ballot box itself, corrupting the citizen, buying votes, and buying seats in the Senate. This thing must be destroyed or it will destroy the free institutions that we love. Senators, the time will come when you will fight in vain if you do not fight now to stop at this door those who have, by corrupting the citizen, committed a crime against the country. The man who comes to this body with an election certificate bought by the avaricious money bunds of America is not entitled to be sworn in. Let him be heard, as the able Senator from Arkansas [Mr. ROBINSON] has provided; let him go before the committee again, let him come in and have the privilege of the floor to make his statement and defend his title. But never let him have the satisfaction of saying that he is a United States Senator, that he has been sworn in and clothed with the authority, the majesty, and the power of a Senator of the United States. Deny him that as a part of the punishment for his crime against his country. Make that a part of the penalty for all those who deliberately corrupt the ballot and poison the Nation at its source. Halt him at the door of this Chamber. Tell him that a certificate bought in the market of corrupted ballots will not admit him here. Repudiate his action and deny him admission. Senators, let us as patriotic Americans stand as one on this vital question and protect and preserve the institutions intrusted to our care. Let the citizen approached by one of these unprincipled corruptionists with the proposition to buy his vote be encouraged to scorn and spurn him, and report him to the lawful authorities, and let us have a law under which such a person can be prosecuted and severely punished. Let us throw every safeguard possible around the voter for in his hands and in her hands are lodged the power to preserve or destroy the Government of the United States.

When you corrupt the voters of a single State you are weakening and impairing the Federal Government of all the States; and the Senator who seeks to discourage and prevent the corruption of voters in a senatorial election in any of the States is rendering valuable service to the people of all the States. And the only way the Senator can do that without interfering with the rights and prerogatives of the State is to refuse to accept as a Member of this body the candidate who comes here with a title tainted with corruption, with a certificate bought at the ballot box. A title to land obtained through fraud and corruption is not valid and the courts will declare it null and void. You can prevent the party claiming title under the fraudulent transaction from taking possession of the land for even a minute. Then how much more important it is that this Senate, the greatest law-making body in the world, shall declare the title to seats in this body that were obtained through fraud and corruption are of no effect and null and void.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and the Senate (at 4 o'clock and 47 minutes p. m.) took a recess until to-morrow, Friday, December 9, 1927, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

THURSDAY, December 8, 1927

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou art divinely good again to gladden our hearts and to cheer our lives. Thou hast continued to bestow upon us Thy sacred gifts. Through the serene of light and the calm of dark we have been kept by Thy soothing, restful Providence. We thank Thee. Our Republic, O God, with all its splendid traditions, with all its marvelous progress, do Thou remember. By the inspiration of high idealism and Christian aspiration may it live on and on to disappoint our foes and to surprise our friends. May every section be guarded against any enemy that may be stalking to mar or disturb our national unity. May the culture of peace, good will, and brotherhood keep our Nation erect and calm for the blessing of all who dwell within our borders. Through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF MEMBERS

Mr. CASEY, of the twelfth Pennsylvania district, and Mr. MANLOVE, of the fifteenth Missouri district, appeared at the bar of the House and were sworn in by the Speaker.

FORMER REPRESENTATIVE ANDERSON H. WALTERS

Mr. LEECH. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for one minute. Is there objection?

There was no objection.

Mr. LEECH. Mr. Speaker, it is with real sorrow that I announce to the House the death last night of Hon. Anderson H. Walters, of Johnstown, Pa. Mr. Walters, who was my immediate predecessor, honored the State of Pennsylvania as Representative at Large in the Sixty-third, Sixty-sixth, and Sixty-seventh Congresses, and the twentieth district of his State in the Sixty-ninth Congress. During the past two years my friend had suffered from an incurable disease, pernicious anemia, which caused his brother's death some years ago, but in the face of the inevitable he consistently displayed the quiet courage and cheerfulness that so clearly portrayed his real character. He was of unassuming personality, but his strength of character was outstanding to those who knew him at home, as I now know they knew him here. Pennsylvania and his district are poorer by reason of the untimely death of Mr. Walters.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES

Messages in writing from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

UNVEILING OF THE STATUE OF ALEXANDER H. STEPHENS

Mr. CRISP. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Georgia asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. CRISP. At 3 o'clock this afternoon the statue of Hon. Alexander Hamilton Stephens will be unveiled in Statuary Hall. The Governor of Georgia and about a thousand Georgians are here to participate in the ceremonies. Vice President Dawes, on behalf of the Nation, will accept the statue that was prepared by Mr. Borglum.

Mr. Stephens was one of Georgia's most distinguished patriots, orators, statesmen, and historians. He served in this House for 26 years. A part of that service was rendered when Statuary Hall was the Hall of the House of Representatives. He was one of the Members who moved from that Hall to this one, and his statue will reside permanently in the place where he served with great ability his State and Nation as a Member of the House of Representatives.

The governor has asked me to invite the Members of the House to attend these ceremonies, and in conclusion I will read the formal invitation to the House. It is as follows:

WASHINGTON, D. C., December 6, 1927.

To the Members of the United States Congress now in session:

GENTLEMEN: On Thursday afternoon at 3 o'clock in National Statuary Hall the statue of Alexander Hamilton Stephens, distinguished Georgian, gifted statesman, author, and patriot, and for 26 years a Member of your honorable body, is to be unveiled.

On behalf of his honor, the governor, I wish to extend a cordial invitation to you to be present for the exercises on this eventful occasion.

Sincerely,

GARNETT W. QUILLIAN, M. D.,

Chairman Governor's Statuary Committee.

Mr. YATES. Mr. Speaker, I ask unanimous consent to say a word on the same subject.

The SPEAKER. The gentleman from Illinois asks to address the House for two minutes. Is there objection?

There was no objection.

Mr. YATES. Mr. Speaker, when Abraham Lincoln was a Member of this House he sat for two years in a seat adjoining Alexander H. Stephens and the result was a warm and close friendship between them.

At one time he wrote to his partner Herndon back in Springfield and said:

I have to-day listened to the best speech of an hour's duration that I ever heard, delivered by Mr. Stephens, of Georgia, a little wizened-up man, but my old eyes are still filled with tears, and if his speech is printed I assure you my constituents shall have many copies.